

APPLICATION NO	PA/2022/628
APPLICANT	Mr P Strawson, MF Strawson Ltd
DEVELOPMENT	Hybrid application comprising full planning permission to erect 32 dwellings and outline planning permission for 85 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration
LOCATION	Land off Station Road, Ulceby
PARISH	Ulceby
WARD	Ferry
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Subject to the completion of a section 106 agreement, grant full planning permission to erect 32 dwellings and outline planning permission for 85 dwellings with appearance, landscaping, scale and layout reserved for subsequent consideration
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan Member 'call in' (Cllr Richard Hannigan – significant public interest)

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and Enhancing the Historic Environment Framework:

North Lincolnshire Local Plan:

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

Policy H10 (Public Open Space Provision in New Housing Development)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T6 (Pedestrian Routes and Footpaths)

Policy T19 (Car Parking Provision and Standards)

Policy LC5 (Species Protection)

Policy LC7 (Landscape Protection)

Policy LC12 (Retention of Trees and Hedgerows)

Policy HE9 (Archaeological Excavation)

Policy DS1 (General Requirements)

Policy DS3 (Planning Out Crime)

Policy DS7 (Contaminated Land)

Policy DS13 (Groundwater Protection and Land Drainage)

Policy D14 (Foul Sewage and Surface Water Drainage)

Policy DS15 (Water Resources)

Policy DS16 (Food Risk)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Design)

Policy CS6 (Historic Environment)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

Policy CS16 (North Lincolnshire's Landscape, Greenspace and Waterscape)

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS19 (Flood Risk)

Policy CS22 (Community Facilities and Services)

Policy CS24 (Health Care Provision)

Policy CS25 (Promoting Sustainable Transport)

Policy CS27 (Planning Obligations)

Housing and Employment Land Allocations DPD:

Inset 39 – Ulceby

Policy PS1 (Presumption in Favour of Sustainable Development)

Other relevant guidance:

SPG8: Developer Contributions to Schools

SPG10: Provision of Open Space in New Housing Developments

CONSULTATIONS

Highways: Although the site is an extension to the existing village, it is some distance from the village facilities and nearest bus stops. Appreciate these are within the maximum 2km walking distance as recommend by the IHT, however in reality would expect car to be the primary mode of travel. Having said that, planning permission was granted at appeal in 2020 for 90 dwellings. Note from the information provided that the applicant is proposing to provide an uncontrolled pedestrian crossing point to link into the existing footway on the northern side of Station Road. Whilst this is acceptable for the 32 dwellings, consideration should be given to the provision of a more formal, controlled crossing for the remainder of the development, to encourage pedestrian trips and reduce car trips into the village.

Whilst the total of number of dwellings for this application is greater than that previously granted, the predicted number of additional trips is estimated to be 23 two-way trips in the peak hour, which can be accommodated on the existing highway network. Would have preferred the farm access to be separate from the residential development, however from the information provided the usage of this is predicted to be a few trips a year, so will have a negligible impact on properties.

No objection subject to conditions relating to the provision of a footway with crossing points, access, visibility and car parking within the site. An S106 contribution to amend the traffic regulation order to implement a 30mph speed limit across the site frontage to a point east of the site access, which shall be agreed with the highway authority, is also requested.

Environment Agency: Does not wish to make any comments.

LLFA Drainage: Following the confirmation letter from the developer, a number of factors require full consideration and agreements prior to acceptance of a fully compatible and compliant surface water drainage system and this may result in property numbers being reduced and/or layout alterations being required as a result. Confirmation is also required for the existing Anglian Water surface water sewer inflows from the upstream developments (Gower Close and Willow Close), including adoption and maintenance of all sections of watercourse and the required agreements from ourselves in our capacity as Lead Local Flood Authority (LLFA). No objection subject to conditions.

Anglian Water:

(Wastewater treatment) The foul drainage from this development is in the catchment of Ulceby Water Recycling Centre that will have available capacity for these flows.

(Used water network) The sewerage system has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

(Surface water disposal) The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The local planning authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

Environmental Protection: No objections subject to conditions relating to land contamination, the submission of an electrical vehicle charging scheme, restrictions on working hours for construction, demolition and site clearance operations and the submission of a construction environmental management plan (CEMP).

HER (Archaeology): Archaeological evaluation was carried out on this site in 2019. No remains of archaeological significance were identified. No further archaeological work is recommended. No objection.

Ecology: The site has limited biodiversity value at present. The applicant has submitted a Biodiversity Metric 3.0 assessment as a pdf document. However, the metric appears to have been completed to a high standard and makes appropriate headline figures. Assuming that both full and outline elements of the proposal are delivered in accordance with the submitted biodiversity assessment report, the proposal will deliver a measurable net gain on biodiversity as follows:

- Habitat units + 24.39% increase.
- Hedgerow units + 13.78% increase.
- River units + 18.29% increase.

Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek a measurable net gain in biodiversity in accordance with policy CS17, the National Planning Policy Framework and Biodiversity Metric 3.1.

Recycling: General guidance in relation to bin collection, storage, pulling distances for residents and crews, and requirements for refuse collection vehicles accessing the site.

Education: Seek secondary education contributions only in respect of this development. The amount per eligible house for secondary places is £5,376.

Humberside Police: Support the proposal. The applicant has fully considered Designing out Crime and Crime Prevention through Environmental Design (CPTED) features throughout the proposal. No objections to both full and outline application.

Humberside Fire and Rescue: General guidance regarding access for the fire service and adequate provision of water supplies for fire-fighting.

NHS North Lincolnshire CCG: Request consideration of Section 106 funding. The nearby surgeries, including The Central Surgery, Goxhill and Killingholme Surgery, are already under pressure due to limitations with space. Therefore, any increase in new housing is likely to impact on requests for new patient registrations, potentially increasing the list size and demand for clinical services.

PARISH COUNCIL

No objections, but request the following comments are considered as planning conditions:

- Any S106 monies derived from this development be allocated to the parish council to assist with the community garden.
- A robust traffic management plan be implemented to ensure that all construction traffic (any other traffic to the site) is directed via the A180 entering and leaving the village from the east. Construction traffic should not access the site through the centre of the village.
- A pelican crossing must be provided close to the proposed development to aid pedestrians to cross Station Road from a north/south direction. This crossing is essential to ensure residents' safety due to the heavy volume of traffic which flows through the village and the increase in volume of traffic this development will create.
- The 12 affordable homes planned for the proposed development must be offered to and for the benefit of local residents to the village – applicants with strong connections to residents from the villages of Ulceby, Wootton, Thornton Curtis, Croxton and Kirmington.
- Anglian Water must ensure that the sewage chemical treatment – currently successful in preventing unpleasant odours within the village – is maintained to the level required to cope with the additional houses and subsequent sewage this development will create.

PUBLICITY

Advertised by site and press notices. Five letters have been received raising the following issues:

- flooding due to drainage system
- lack of facilities
- lack of school places
- loss of wildlife
- noise and disturbance during construction
- overlooking
- loss of privacy/amenity
- increase in traffic and car use
- loss of view
- quantum of development is too great
- already an issue with speeding HGVs/traffic
- junction should have a roundabout or traffic lights.

STATEMENT OF COMMUNITY INVOLVEMENT

No statement of community involvement has been submitted with this application.

ASSESSMENT

The site

The application site comprises a parcel of undeveloped agricultural land measuring 5.88 hectares in area immediately to the east of Ulceby. The site is adjacent to, but primarily outside, the development boundary for Ulceby (apart from a sliver of land adjacent to Gowers Close) and as such is in the open countryside for the purpose of planning. The site is an inverted L-shape, fronting Station Road to the north and wrapping around the rear of properties on Gower Close, Southfield Close and Willow Close.

The site is bounded to the east by high hedgerows, which separate it from an area of rough grassland associated with Hillgarth Farm – a standalone farmhouse with associated outbuildings and silos. To the north the site is bounded by Station Road for part of its length and by the rear aspect of properties on Gower Close, Southfield Close and Willow Close for the rest. To the south and west the site is bounded by open fields, some of which are in the ownership of the applicant.

The site is a greenfield site, not having been previously developed, and is currently in arable use. The site is not subject to any formal allocation as part of the development plan nor to any designation in respect of landscape or ecology importance. The site is also not in close proximity to any designated heritage assets. Furthermore, the site is wholly within Flood Zone 1 of the Environment Agency maps and the SFRA for North Lincolnshire and as such is not considered to be at high risk of flooding. The site, albeit a slightly smaller site area, has an extant planning permission for 90 dwellings under PA/2018/2525.

The proposal

This is a hybrid application that seeks both outline and full planning permission for two different parts of the same site as follows:

- full planning permission to erect 32 dwellings
- outline planning permission for 85 dwellings, with appearance, landscaping, layout and scale reserved for subsequent consideration, with only the access to be determined at this outline stage.

The two elements of the application are intrinsically linked, with the main access to the site from Station Road located on the site frontage which will provide the main access for all the proposed dwellings. The full application (32 dwellings) comprises a mix of housing types and designs. Seven dwellings are proposed on the site frontage along Station Road continuing the existing frontage development, with the remaining dwellings set back southwards into the site with a network of estate roads, cul-de-sacs and footpaths provided through the site that link to Station Road. The full application aspect of the proposal is the first phase of the development, with the remaining 85 dwellings (outline) shown to be phased within three subsequent phases.

The scheme has been designed around a green infrastructure framework. The development is set around open space and landscaping buffers and a circular walk is envisaged with hedgerows and trees to be retained. A farm track along the eastern boundary of the site is to be provided for access to agricultural land adjacent to the application site lying to the south/south east which is within the applicant's ownership. The development will form a natural extension to the eastern edge of Ulceby softened by the landscaping proposed around and within the site.

Planning history

The planning history of the site comprises four planning applications, all made in the 1970s for residential development (7/1975/0292, 7/1975/0679, 7/1976/0828 and 7/1977/0823). These applications covered different parts of the site and extended onto adjacent land. All four of these previous applications were refused planning permission. These applications were determined a significant time ago under different national and local planning policies.

Planning application PA/2018/2525 for outline planning permission to erect 90 dwellings and construct access, with appearance, landscaping, layout and scale reserved for subsequent approval was allowed on appeal on 18 March 2020. This permission is currently extant.

The main issues to consider in the determination of this application are whether the principle of residential development is acceptable on this site and whether the proposed development would have an unacceptable impact in respect of highway safety, flood risk and drainage, biodiversity, character impacts, on neighbours and on heritage assets.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the

North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELAP) DPD which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising the Planning Practice Guidance (PPG).

The site is outside the defined settlement boundary for Ulceby and the proposal would represent a departure from the North Lincolnshire Local Plan. As the site is outside the development boundary, in determining whether the principle of residential development outside the settlement boundary is acceptable in this instance, it is necessary to consider whether the proposed development is sustainable in planning policy terms.

Policy CS1 of the CS sets out a spatial strategy for North Lincolnshire, which, amongst other matters, provides that rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing local services to meet local needs and that any development that takes place should be in keeping with the character and nature of the settlement.

Policy CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus. Policy CS8, whilst restricting housing outside development limits, contemplates some greenfield development as it refers to allowing development on such sites where it can be demonstrated that this would bring additional community benefits, contribute to building sustainable communities and be acceptable in terms of its impact on the high quality environment and adjoining countryside.

This overall approach is supported by policy CS2 which sets out a sequential approach for development. The overall strategy for North Lincolnshire, as set out by policy CS2, sets out a sequential approach for development: firstly in Scunthorpe, followed by the market towns and then rural settlements. The bulk of the housing requirement for North Lincolnshire under this strategy is allocated for Scunthorpe at 82% of the total housing requirement, with 18% in the market towns of Barton upon Humber, Brigg, Crowle, Kirton in Lindsey and Winterton. There are no allocated housing sites within the rural settlements. Policy CS3 provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently defined in the HELAP, and the application site is outside the designated development limit for Ulceby.

LP saved policy RD2 restricts development in the open countryside other than in exceptional circumstances. This policy only supports residential development outside defined development limits where it is to meet an essential proven need and the open countryside is the only appropriate location for the development. Whilst this policy remains, it has largely been overtaken by policies in subsequent plans addressing the same issue (such as policies CS2 and CS3 referenced above).

The aforementioned policies are aimed at focusing housing within settlement limits as defined in the Housing and Employment Land Allocations DPD. The application site is primarily outside the defined development boundary for Ulceby and is therefore considered to be in breach of policies CS2, CS3 and CS8 of the Core Strategy, and RD2 of the North Lincolnshire Local Plan.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which were most important to determining the application should not be considered up-to-date.

A recent appeal decision dated 20 July 2022 (planning reference PA/2020/554) has been issued where the Inspector has concluded that the council does not currently have a five-year housing land supply of deliverable sites. The council's Five Year Housing Land Supply Position Statement is awaiting an update and as such any decisions made by the planning authority will take account of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. In this case, the proposal will make a significant contribution to the council's housing land supply and this is also a key material consideration in the determination of this application.

National Planning Practice Guidance paragraph 008 states that, in decision-taking, if an authority cannot demonstrate a five-year housing land supply, including any appropriate buffer, the presumption in favour of sustainable development will apply, as set out in paragraph 11d of the National Planning Policy Framework.

Given the current five-year land supply deficit, it is considered that there is a clear and demonstrable need for housing development in the area. Accordingly the 'tilted balance' in paragraph 11 of the NPPF is triggered, whereby there is a presumption in favour of sustainable development and development proposals should be approved unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Benefits

There are three dimensions to sustainable development as set out in paragraph 8 of the Framework: economic, social and environmental.

Economic

Investment in construction and related employment would represent a benefit whilst the dwellings and associated infrastructure were being constructed. The additional population would provide support to the local economy in terms of residents using the facilities, businesses and services located in Ulceby. The proposed dwellings would also generate council tax revenue for the council.

Social

In terms of the social benefits, the proposal would contribute to the council's housing land supply by providing a significant number of dwellings on the site of various house types. Affordable housing, for which there is a proven need in North Lincolnshire, would also be provided on the site. The applicant is proposing some two-bedroom properties and dormer bungalows on the site to accommodate North Lincolnshire's growing elderly population. A

large amount of public open space would be provided on the site. The site is close to the employment centres in North Killingholme and on the Humber Bank.

Environmental

In terms of the environmental dimension, the proposal would result in landscaping and biodiversity enhancements on the site. Pedestrian and cycle paths would be provided within the development and pedestrian links can be provided from the site into the central area of Ulceby. SuDs would be incorporated into the development. Biodiversity net gain (BNG) would be provided on the site. These are all benefits of the scheme. However, the application would significantly alter the character and appearance of the countryside in this area, particularly given the scale of development proposed.

Whilst the restrictive policies of the development plan (CS2, CS3 and CS8) do still apply, the lack of a five-year supply of housing land and the scale of the shortfall limit the weight which can be attributed to these policies. Restricting development to land within development limits, if strictly applied, would severely affect the ability of the authority to address the need for housing. In determining the sustainability of the proposed development, an assessment not only relies upon planning principle but also whether the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or if any adverse impacts exist that would significantly and demonstrably outweigh the benefits of the proposal.

Ulceby itself is identified as a rural settlement by the Core Strategy and ranks 19th overall in the North Lincolnshire Sustainable Settlement Survey 2019. It contains five of the key facilities, which include a primary school, convenience shops, public house, village hall/community centre. Ulceby has good public transport links, with a number of bus services providing access to the larger settlements of Barton, Brigg and Scunthorpe and to Humberside Airport. The site is fairly close to Ulceby Skitter railway station providing rail links to Barton, Cleethorpes and beyond. It is a larger rural settlement and is considered to be a sustainable settlement due to the facilities and access to facilities it has. Another key material consideration is the fact that the site has an existing planning permission for 90 dwellings on the site under PA/2018/2525. These material factors, along with the holistic assessment, including technical analysis, will allow an assessment to be made of the sustainability of this proposed development.

Highway safety

Concerns have been raised by residents over the adequacy of the existing highway network in Ulceby. Specific concerns have been raised in respect of the number of HGV movements along Station Road. Both the parish council and local residents have clearly expressed the view that the proposed development would result in an additional level of vehicular movements that would have a significant adverse impact with regard to both congestion and highway safety. Speeding along Station Road has also been raised. The parish council considers that a pelican crossing should be provided on Station Road to allow residents to cross from north/south direction. Objections from residents consider that a roundabout or traffic lights should be provided.

The appeal decision for up to 90 dwellings under PA/2018/2525 did not require a pelican crossing, roundabout or traffic lights to be provided on the site. After discussions with Highways, it is considered that these traffic controls cannot be justified and there is no robust evidenced basis for a pelican crossing, roundabout or traffic lights to be provided on

Station Road for an additional 27 dwellings. The applicant proposes to provide an uncontrolled pedestrian crossing point to link into the existing footway on the northern side of Station Road. However, there is a need to ensure that there is a formal crossing point on Station Road to serve not only the 32 dwellings for the full part of this application but also the 85 dwellings proposed on the outline part of the proposal. As a result, Highways recommend a condition to ensure the provision of a footway across the site frontage and the provision of crossing points to connect into the existing footway on Station Road.

In terms of speeding, the site frontage is currently subject to a 30mph traffic regulation order. The issue of speeding is a matter for the police. In terms of increase in traffic and congestion, Highways have assessed the submitted application and transport documents and in terms of highway matters consider the proposal to be acceptable subject to planning conditions relating to visibility, layout and construction of the access, submission of a construction traffic management plan and car parking. Subject to the conditions proposed by Highways, and given the lack of objection from highway officers, it is considered that the proposed development will have no unacceptable impact on highway safety in the area. The proposal therefore aligns with policies CS25 of the Core Strategy, and T1, T2, T6 and T19 of the North Lincolnshire Local Plan.

Flood risk and drainage

The site is within Flood Zone 1 of the council's SFRA and is therefore at low risk of flooding. The SFRA is the most up-to-date flood risk assessment for North Lincolnshire. The applicant has submitted a Flood Risk Assessment with the application, which includes drainage information. The Environment Agency does not wish to comment on this application. As the site lies within an area at low risk of flooding, the proposal is considered to be acceptable in terms of flood risk and aligns with the NPPF, policy CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

Concerns have been raised by local residents with respect to the existing drainage system in Ulceby and its ability to cope with the additional flows that will be generated by the proposal. These concerns relate to both foul and surface water.

Anglian Water are the drainage body responsible for foul sewage and waste water in Ulceby and have been consulted on the application in this regard. Anglian Water has confirmed that there is sufficient capacity within the foul and waste water system to cater for the proposed development. Planning conditions will be used to ensure an acceptable scheme for the disposal of foul water is submitted to the council and Anglian Water will be consulted on any such scheme. The proposal will therefore align with policy DS14 of the NLLP. Comments from the parish council that 'Anglian Water must ensure that the sewage chemical treatment – currently successful in preventing unpleasant odours within the village – is maintained to the level required to cope with the additional houses and subsequent sewage this development will create' are noted and this is a matter for Anglian Water to ensure the sewage chemical treatment is maintained. Anglian Water has confirmed that North Lincolnshire Council are responsible with regard to surface water drainage as the Lead Local Flood Authority. Notwithstanding this, they have confirmed that the preferred option is for a drainage strategy that deals with surface water by sustainable drainage systems and that discharge into the sewer is seen as a last resort.

A Flood Risk Assessment and Drainage Strategy has been provided as part of the application, which also provides guidance as to the site drainage strategy. Soil soakage testing has been undertaken at the site, which has confirmed that soakaways are not

suitable for the site. Therefore, water will be attenuated and directed to discharge to the existing on-site drainage ditch which then discharges to Skitter Beck. The required surface water storage for the site will be provided in a combination of gravel sub-base for the permeable paving, a new watercourse and the widening of the existing watercourse flowing south from the development area. A new watercourse will be cut from the south-east corner of the development area to flow west to the existing watercourse. This new watercourse is to provide additional environmental habitat and will be used to provide some of the required storage.

On-site surface water storage will be required as part of the development in order to provide the required storage volume, attenuating run-off resulting from an increase in hardstanding and impermeable areas. This is proposed to be incorporated as part of a Sustainable Urban Drainage Scheme (SuDS) including permeable paving, a pond and swales (for conveyance).

The council's drainage team has considered the submitted information and confirm that they have no objection to the proposals for surface water drainage subject to conditions to secure the implementation of a detailed SuDS scheme. The long-term management and maintenance of the Sustainable Urban Drainage Systems will be secured by a Section 106 agreement. For the reasons outlined above, and giving due regard to the lack of objection from Anglian Water and the council's own drainage expert, it is considered that the proposed development will have no unacceptable impact with regard to flood risk or drainage. Subject to conditions, the proposal will align with policies CS18 and CS19 of the NLCS, and DS14 and DS16 of the NLLP.

Biodiversity

In terms of biodiversity, the applicant has submitted a preliminary ecological appraisal report and a Biodiversity Metric 3.0 Assessment. The council's ecologist has assessed these reports and considers that the site is arable land of low biodiversity value. No evidence of water voles was recorded, though some boundary drains were noted as having moderate potential for the species. Badger field signs were recorded just off-site and great crested newt breeding ponds are present 176–288 metres away. The mixed native hedgerows, boundary trees and drains may be worthy of retention and enhancement. The submitted biodiversity metric assessment indicates that the proposal will deliver measurable net gain on biodiversity of:

- Habitat units + 24.39% increase
- Hedgerow units + 13.78% increase
- River units + 18.29% increase.

In terms of biodiversity due to the arable nature of the site, there is limited biodiversity value at present. The proposed development can achieve a biodiversity net gain (BNG). Planning conditions are proposed to ensure the development will be carried out in accordance with the submitted ecology appraisal report and that a biodiversity management plan is submitted to the council for approval to ensure biodiversity enhancements are provided on the site. Planning conditions will also be used to ensure a satisfactory landscaping scheme is provided for the full planning permission aspect of the proposal (landscaping is a reserved matter for the outline part of the proposal) and to ensure existing trees and hedgerows to be retained will be safeguarded during construction. The proposal will

therefore align with the NPPF, policy CS17 of the Core Strategy, and policies LC5 and LC12 of the North Lincolnshire Local Plan.

Character and landscape impacts

Policy CS5 of the North Lincolnshire Core Strategy is relevant. It states, ‘...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place’ and ‘Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.’ Policy H5 of the local plan, which is concerned with new housing development, and paragraph 127 of the NPPF, are also relevant.

Policy RD2 of the North Lincolnshire Local Plan is concerned with development within the open countryside. The policy is in two parts: firstly, it sets out, in principle, those development types that are acceptable; and secondly, it sets out a criteria-based approach to assessing those developments. The second part is of interest here in that it seeks to ensure that the visual amenity of the countryside is not compromised by poor development. Paragraph ‘c’ of the policy states: ‘...the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials;’

The applicant has submitted a landscape technical note with the application which assesses the impact the development will have on the landscape taking into consideration the fact that 90 dwellings have already been approved on the site under PA/2018/2525. The proposal will clearly result in the loss of greenfield land and encroachment of the urban area into the countryside, which is an environmental disbenefit. Whilst the site is not subject to any formal landscape designation, the impact of development on non-designated landscapes is still a planning consideration. The existing urban area of Ulceby lies to the north and west and forms the site’s northern boundary. Furthermore, the site is relatively enclosed by existing hedging and tree planting along the north, east and west boundaries. There are open views to the south of the site, but these views do not currently benefit any visual receptors, other than a small number of residential properties that back onto the site. For these reasons the overall landscape value of the site is considered to be low.

The proposed development would alter the character and appearance of the countryside. However, that would apply to any greenfield site, including those allocated for development in the HELAP, and would be an inevitable consequence of the authority striving to meet housing need. The full planning permission part of the proposal, together with the illustrative masterplan for the outline part of the proposal, shows that the development will have a relatively low density of 20 dwellings per hectare, which reflects the semi-rural context of Ulceby and aligns with NLCS policy CS7 which seeks a net density within rural settlements and the open countryside of 30–35 dwellings per hectare. Although the density of the scheme is lower than that set out in policy CS7, the scheme is considered to be of a similar density to the adjoining residential development to the west and would be in character with this area of Ulceby.

The scheme will incorporate large areas of open space and significant landscaping on the site. As such, the development would provide a softer boundary between the settlement and the open countryside, which would replace the existing boundary that is relatively harsh, being comprised primarily of close-boarded timber fencing with minimal landscaping. This would represent an enhancement in the urban to rural transition and will help the development to integrate effectively into the wider landscape and provide a natural

extension to the eastern edge of Ulceby. Given the fact that the site is comparatively enclosed, is not of high landscape value and lies directly adjacent to the defined development boundary and existing residential development, it is considered that the landscape impact would be limited in this instance. This is something which can be further mitigated by planning conditions and at the reserved matters stage when the layout and landscaping of the proposal is considered.

Design

In terms of the 32 dwellings (full planning permission) details of the layout and design of these dwellings have been submitted. These dwellings are a good mix of detached, semis and a row of terraces. They are a range of two-, three-, four-, five- and six-bedroom properties. The dwellings are of modern design that are in character with the existing range of housing in the vicinity of the site. There is good detailing on the properties by the use of chimneys, quoins, brick and stone headers to windows, porches and gables. The plans show a range of materials to be used, and the details of these materials can be conditioned. Each dwelling has its own front and private rear garden with car parking in the form of garages, drives and communal parking ('home zone'). The proposal provides good-sized garden areas for the proposed dwellings and there are adequate separation distances between the properties to secure privacy. Substantial landscaped areas are proposed with existing hedgerows and some existing trees to be retained. The precise details of the landscaping and tree protection measures for hedgerows and trees to be retained on the site can be dealt with through planning conditions. Subject to conditions, the proposal will align with policies CS2, CS3, CS7 and CS8 of the Core Strategy, policies H5, H8, LC12 and DS1 of the North Lincolnshire Local Plan, and chapter 12 of the NPPF.

In terms of the outline part of the proposal, the appearance, landscaping, layout and scale are all reserved matters and will be assessed at reserved matters stage. Only the access from Station Road is to be determined at this outline stage which Highways consider to be acceptable subject to conditions and aligns with policies T1 and T2 of the NLLP. It should be noted that the indicative masterplan submitted (for the outline aspect of the proposal) shows the full range of house types that are reflected in the 32 properties proposed as the full part of this application. In addition, 10 dormer bungalows are shown, which, whilst only indicative at this outline stage, are welcomed and would be a benefit to the overall scheme as North Lincolnshire has a high elderly population which is increasing according to the recent census data published in 2022.

Air quality and sustainable resource

Policy CS18 is concerned with sustainable resource use and climate change. Its purpose is to promote development that utilises natural resources as efficiently and sustainably as possible. Two points of this policy are relevant:

- (10) ensuring development and land use helps to protect people and the environment from unsafe, unhealthy and polluted environments, by protecting and improving the quality of the air, land and water; and
- (12) supporting new technology and development for carbon capture and the best available clean and efficient energy technology, particularly in relation to the heavy industrial users in North Lincolnshire, to help reduce CO₂ emissions.

The council's Environmental Health department have assessed the proposal and propose a condition that, prior to development, a scheme for electric vehicle charging points shall be submitted to and agreed in writing with the local planning authority. The request is considered to be in accordance with the above policy requirements and will be attached to any permission to mitigate the impact upon air quality generated by the development. It is considered that the imposition of this condition would not only satisfy policy CS18 of the Core Strategy, but also DS11 of the local plan by making a positive impact upon the reduction of polluting activities.

Land contamination

Policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination. In this case, Environmental Health do not consider the submitted site investigation to be sufficiently robust and therefore propose a planning condition to ensure a satisfactory site investigation and remediation scheme is submitted for the site for approval by the council before development takes place. However, within the appeal decision for PA/2018/2525, the Inspector considered that a less onerous contamination condition was required as the submitted site investigation (which is the same report for this application with updated site photographs and site area) did not identify any contaminants of concern on the site. PA/2018/2525 could be implemented on the site. The application sites are virtually identical and there have been no other intervening uses on the site since the appeal for PA/2018/2525 was allowed. The site has remained arable farmland. Therefore, it is appropriate and reasonable in this case to apply a less stringent contamination condition to the permission which will still ensure that if contamination is found on the site during construction, the applicant will need to inform the local planning authority and a risk assessment will need to be carried out. If unacceptable risks are found then remediation and verification schemes will need to be submitted to the local planning authority for approval. Subject to this proposed contamination condition, the proposal will align with policy DS7 of the NLLP.

Impacts on neighbours

The main impact in terms of the full application (32 dwellings) will be on Gower Close. In terms of the outline application (85 dwellings), this will be assessed at reserved matters stage when details of the layout, scale, appearance and landscaping are known. In terms of Gower Close, this is a modern housing estate comprising large detached dwellings, set in fairly substantial garden areas. The 32 dwellings will not give rise to 'direct' overlooking into adjoining properties due to their design, siting and boundary treatment. There are acceptable separation distances between dwellings within the proposed development and between the proposed development and properties on Gowers Close. Planning conditions will ensure WC/bathroom and en-suite windows will be obscure-glazed. Subject to conditions, the proposal will align with policies CS5 of the Core Strategy, H5, H8, and DS1 of the North Lincolnshire Local Plan, and chapter 12 of the NPPF.

Cultural heritage

In terms of cultural heritage, the site is not within or adjacent to a conservation area and there are no listed buildings adjacent to the site. In terms of archaeology, HER has confirmed that archaeological evaluation was carried out on the site in 2019. No remains of archaeological significance were identified on the site and therefore no further

archaeological work is recommended for this proposal. As a result, the proposal will have no impact on cultural heritage and the proposal aligns with policies HE2, HE5 and HE9 of the NLLP, and CS6 of the Core Strategy. The full application, together with the illustrative masterplan for the outline part of this proposal, show that the development will have a relatively low density of dwellings per hectare, which reflects the semi-rural context of Ulceby and will incorporate large areas of open space and landscaping.

Planning obligations

Policy CS27 is concerned with planning obligations and states that where a development proposal generates an identified need for additional infrastructure, North Lincolnshire Council will, through the negotiation of planning obligations pursuant to Section 106 of the Town & Country Planning Act 1990 and in accordance with guidance set out in Circular 05/2005, seek obligations that are necessary to make proposals acceptable in planning terms.

The tests for planning obligations are set out in Part 11, section 122 of the Community Infrastructure Levy Regulations 2010 (as amended). It states:

- (2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.

The legal test is also set out in planning policy under paragraph 57 of the National Planning Policy Framework 2021. The heads of terms for the developer contributions are set out below, all of which the applicant has agreed to:

Affordable housing

Policy CS9 is concerned with affordable housing. Ulceby is a rural settlement and policy CS9 seeks to ensure that 10% of the dwellings constructed on the site will be affordable. This equates to 12 affordable dwellings on the site. As a result, an S106 is required to ensure that these dwellings remain affordable in perpetuity. The proposal therefore aligns with policy CS9 of the Core Strategy and the NPPF.

Public open space

Public open space and leisure policy H10 of the North Lincolnshire Local Plan states, '(i) ...New housing developments on allocated and windfall sites of 0.5 ha or more will be required to provide recreational open space on a scale, and in a form, appropriate to serve the needs of residents.' This is reinforced by policies CS22 and CS23 of the North Lincolnshire Core Strategy. Under policy H10 a development of this size needs to make provision for a LEAP. In this case 10 square metres of informal open space will need to be provided on site per dwelling and on-site SuDS features will be managed by an estate management company. Following negotiation with the applicant, it has been agreed to provide an off-site LEAP contribution of £54,106.00 towards play equipment, outdoor gym equipment or community garden in Ulceby for use by Ulceby residents.

Recreation

The recreation department has agreed a total off-site leisure contribution of £105,568.00. This is broken down into: £44,047 towards improvements towards swimming pool facilities at Baysgarth community hub, £19,893 improvements towards natural grass pitches to serve sub area 7, £1,524 towards improvements to indoor bowls in Scunthorpe, and £40,104 towards sports hall and fitness improvements at Baysgarth community hub. This is based on the Sports Calculator and Playing Pitch Strategy. This contribution will mitigate the impact the development will have on leisure facilities in Barton and in North Lincolnshire by providing a financial contribution to improve/expand sporting facilities. This accords with policies CS22 and CS23 of the Core Strategy.

Education

Policy C1 states that where major new housing proposals would result in an increased demand for education facilities, which cannot be met by existing schools and colleges, a developer may be required to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990, in order to secure the provision of, or contribution towards, new or extended facilities. There is an identified need for the monies to go towards schools in the local catchment areas. A contribution of £5,376 per dwelling is required towards secondary education, which excludes affordable products and over 55's products to mitigate the impact the development will have on primary and secondary education. This aligns with policy C1 and SPG8 of the North Lincolnshire Local Plan.

Health

The NHS has requested a contribution towards health as the proposal has the potential to impact on requests for new patient registrations, potentially increasing the list size and demand for clinical services, and nearby services are under pressure from limited space. However, at present there is insufficient robust evidence to suggest that this is the case in this area and therefore this contribution does not pass the S106 tests as set out above.

Obligations summary

The proposed on- and off-site contributions are considered to be CIL compliant as well as policy compliant. The proposal would therefore align with policies CS9, CS22 and CS23 of the North Lincolnshire Core Strategy, C1 and H10 of the North Lincolnshire Local Plan, and paragraph 57 of the NPPF. The heads of terms have been put to the applicant for off-site public open space, recreation and education, and for affordable housing in perpetuity. The applicant has agreed all the requested S106 contributions required to mitigate the impacts of the development.

Other matters

In terms of comments from the parish council, the public open space contribution set out in the above section can be used towards Ulceby's community garden. The proposed development will be subject to a construction traffic management plan (CTMP) which will need to be submitted to and approved by the council. The pelican crossing has been addressed in the highways section of this report. The 12 affordable homes will be allocated to residents of North Lincolnshire. Whilst the council does not have specific locational criteria for the allocation of affordable housing, it anticipated that some occupiers of the affordable housing will be from/have connections with Ulceby and surrounding villages. The

issue of the sewage treatment plan has been addressed in the drainage section of this report.

In terms of other objections, there is no evidence to suggest that the facilities in Ulceby cannot support this development. The impact on local schools will be mitigated by the proposed S106 contribution. The proposal will provide BNG on the site and will not result in any significant harm to wildlife. There potentially will be some noise and disturbance during construction of the scheme, but this can be mitigated to a certain extent by the submission and approval of a CEMP and restrictions on working hours. It is noted on outline planning permission PA/2018/2525, granted on appeal, that the Inspector allowed construction working hours from 0700–1900 Monday to Friday and 0700–1300 on Saturdays with no workings on Sundays, Bank and Public Holidays. Environmental Health are proposing shorter working hours which have been imposed on similar applications in rural locations. The appeal was for 90 dwellings and this application is for 117 dwellings and therefore the scheme is likely to be built out over a longer period. It is considered in this case that the working hours proposed by Environmental Health are acceptable and are recommended below. Loss of view is not a planning consideration. The site layout shows a development of 117 can be accommodated on the site at a density that is appropriate to the overall character of this area of Ulceby. The other issues raised have been dealt with in earlier sections of this report.

Pre-commencement conditions

All pre-commencement planning conditions have been agreed with the applicant.

The planning balance

The proposed development conflicts with some of the restrictive policies of the development plan due to the site being primarily outside of defined development limits where residential development is not normally supported. However, the proposal is considered to constitute sustainable development which would make an important contribution towards meeting a proven shortfall in the provision of housing land within North Lincolnshire. Given the lack of a demonstrable five-year supply of deliverable housing sites, it is considered that the benefits of the proposed development with regard to the delivery of housing must be given significant weight in the planning balance. The adverse impacts of the development are considered to be limited and do not significantly and demonstrably outweigh the benefits and as such, in line with the ‘tilted balance’ set out in paragraph 11 of the NPPF, the development must be considered acceptable and is recommended for approval.

In addition, the site has a strong ‘fallback’ position due to the existing planning permission on the site for 90 dwellings (PA/2018/2525) which can be implemented on the site. The proposed development is for a total of 117 dwellings. It is not considered in this case that the additional 27 dwellings proposed on the site create any further material harm than the current application. The applicant has provided full details of the 32 dwellings (full permission) on the site and has given an illustration through the ‘layout’ of how the proposed 85 dwellings (outline permission) could be arranged on the site. It is considered that the 117 dwellings can be accommodated on the site without any further significant material harm than the existing permission on the site for 90 dwellings.

Conclusion

The proposal has been subject to a full assessment giving due consideration to responses from technical consultees and third parties. There has been some local opposition to the proposal and the material points have been considered under the relevant sections within this report, whilst other issues raised may be more pertinent to be considered at the reserved matters stage when the actual, appearance, landscaping, scale and layout of the outline part of the scheme can be assessed. It is considered, given the assessment above, that no adverse impacts related to the development exist that would significantly and demonstrably outweigh the benefits that would follow from a well-executed residential scheme in this location. Overall, it is considered that the proposal does represent sustainable development in the context of the NPPF and Housing and Employment Land Allocations DPD policy PS1, which sets a presumption in favour of sustainable development.

Heads of terms

Affordable housing

Number of dwellings	12 dwellings (10% of the development)
Trigger point	3 dwellings on occupation of the 25 th dwelling 3 dwellings on occupation of the 50 th dwelling 3 dwellings on occupation of the 75 th dwelling 3 dwellings on occupation of the 100 th dwelling
Product type	Mixture of discounted market sale and shared ownership
	Affordable units to be retained in perpetuity

Education

Contribution amount	£5,376 secondary only contribution per dwelling excluding affordable units (£564,480 total)
Trigger point	30% on occupation of the 1 st dwelling 30% on occupation of the 30 th dwelling 40% on occupation of the 70 th dwelling
How many years does the council require to spend the contribution?	10 years

Open space and SUDS

On-site contributions	10sqm of informal open space on site per dwelling and on-site SUDS features to be managed by an estate management company
Trigger point	Estate management company set up prior to occupation of the 1 st dwelling The open space and SUDS features to be completed prior to the occupation of the penultimate dwelling in that phase

Area of play

Contribution amount	£54,106.00 LEAP contribution off site towards play equipment, outdoor gym equipment or community garden
Trigger point	Contribution on occupation of the 1 st dwelling
How many years does the council require to spend the contribution?	10 years

Recreation

Recreation contribution	£19,893 towards improvements to the natural grass pitches that serve Sub area 7 £44,047 for swimming facilities £40,104 towards sports hall and fitness improvements £1,524 for improvements to indoor bowling facilities Total of £105,568.00
Trigger point	50% on occupation of the 25 th dwelling 50% on occupation of the 60 th dwelling
How many years does the council require to spend the contribution?	10 years

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for open space and affordable housing within the development, an off-site contribution for recreation and a LEAP/outdoor gym

equipment/community garden, and an education contribution, the committee resolves:

- (i) it is mindful to grant full planning permission to erect 32 dwellings and outline planning permission for 85 dwellings with appearance, landscaping, scale and layout reserved for subsequent consideration;**
- (ii) the decision be delegated to the Development Management Lead upon completion of the obligation;**
- (iii) if the obligation is not completed by 7 March 2023 the Development Management Lead be authorised to refuse the application on grounds of no essential community benefits and affordable housing; and**
- (iv) the full planning permission so granted to erect 32 dwellings be subject to the following conditions:**

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans:

1339/0006 Phase 1 Proposed Site Plan
1331/1001 Location Plan
House Mix Phase 1 (Plots 1–20 and plots 106–117)
1331/0023 House Type E2
1331/0022 House Type E1
1331/0021 House Type D4
1331/0020 House Type D3
1331/0019 House Type D2
1331/0018 House Type D1
1331/0017 House Type C5
1331/0016 House Type C4
1331/0014 House Type C2
1331/0013 House Type C1
1331/0012 House Type B1
1331/0011 House Type A2
1331/0010 House Type A1
1331/0026 Garage Type B2
1331/0025 Garage Type A3 and B1
1331/0024 Garage Type A1 and A2.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

No development shall take place until details showing the provision of a footway across the whole site frontage and the provision of crossing points to connect into the existing footway on Station Road have been submitted to and approved in writing by the local planning authority. Once approved, these shall be completed prior to the occupation of the 10th dwelling.

Reason

In the interests of highway safety and to accord with policies T1, T2 and T6 of the North Lincolnshire Local Plan.

4.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

5.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

6.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and, once provided, the vehicle parking spaces shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

7.

No dwelling served by the private driveway shall be occupied until it has been constructed in accordance with details including:

- (i) the proposed method of forming access from the highway, including the required visibility splays;
- (ii) the method of constructing/paving the drive;
- (iii) the provision of adequate drainage features;

- (iv) the provision of suitable bin collection facilities adjacent to the highway;
- (v) the provision of suitable lighting arrangements; and
- (vi) the provision of street name plates that shall include the words 'Private Drive';

which have been agreed in writing by the local planning authority. Once constructed the private driveway shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

8.

Works shall not commence on site until wheel cleaning facilities, in accordance with details to be submitted to and approved in writing by the local planning authority, have been provided within the curtilage of the site, and this facility shall be retained for the duration of the works.

Reason

To prevent material being deposited on the highway and creating unsafe road conditions.

9.

No development shall begin until details of:

- (i) the layout, drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway; and
- (ii) the number and location of vehicle parking space(s) on the site;

have been submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

10.

No dwelling on the site shall be occupied until the access road has been completed to at least base course level and adequately lit from the junction with the adjacent highway up to the access to the dwelling.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

11.

No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

12.

No dwelling on the site shall be occupied until the footway has been constructed up to base course level from the junction with the adjacent highway to the access to the dwelling.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

13.

The penultimate dwelling on site shall not be occupied until the access roads have been completed.

Reason

In the interests of highway safety and to accord with T2 of the North Lincolnshire Local Plan.

14.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that order with or without modification), no development shall take place within any service strip adjacent to any shared surface road, and any planting or landscaping within this service strip shall be of species which shall be agreed in writing with the local planning authority prior to planting.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

15.

No development shall take place until a construction phase traffic management plan showing details of:

- (i) a pre/post construction condition survey of the carriageway to identify any defects and how they will be rectified;
- (ii) all associated traffic movements, including delivery vehicles and staff/construction movements;
- (iii) any abnormal load movements;
- (iv) contractor parking and welfare facilities;
- (v) storage of materials; and
- (vi) traffic management requirements, including the means of controlling the deposition of mud onto the adjacent highway, along with appropriate methods of cleaning the highway, as may be required;

has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

16.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. This must be based on the submitted Flood Risk Assessment & Outline Drainage Strategy, prepared by Roy Lobley, Issue No 1, dated 26/01/2022.

The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100-year critical storm (including an allowance for climate change which should be based on current national guidance) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

17.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 16 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

18.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been

approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

19.

No development shall take place until details showing an effective method of preventing surface water run-off from the highway onto the developed site have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

20.

No development shall take place until a scheme for the disposal of foul water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

21.

Any contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended, and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

Reason

To safeguard human health in accordance with policies DS7 and DS1 of the North Lincolnshire Local Plan.

22.

A scheme for the provision of electrical vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall be designed to take account of good practice guidance as set out in the Institute of Air Quality Management Land Use Planning and Development Control, and contemporaneous electrical standards, including:

- Electrical Requirements of BS7671:2008

- IET Code of Practice on Electrical Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7.

The approved scheme shall be installed in full and retained in perpetuity thereafter.

Reason

To facilitate the uptake of low emission vehicles and reduce the emission impact of traffic arising from the development in line with policy CS18 of the Core Strategy and the National Planning Policy Framework.

23.

Construction, demolition and site clearance operations shall be limited to the following days and hours:

- 8am to 6pm Monday to Friday

- 8am to 1pm on Saturdays.

No construction, demolition or site clearance operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

To safeguard residential amenity in accordance with policies CS5 of the Core Strategy and DS1 of the North Lincolnshire Local Plan.

24.

No stage of the development hereby permitted shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

Noise and vibration: The CEMP shall set out the particulars of—

- (i) the works, and the method by which they are to be carried out;
- (ii) the noise and vibration attenuation measures to be taken to minimise noise and vibration resulting from the works, including any noise limits; and
- (ii) a scheme for monitoring the noise and vibration during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures.

Light: The CEMP shall set out the particulars of—

- (i) specified locations for contractors' compounds and materials storage areas;
- (ii) areas where lighting will be required for health and safety purposes;

- (iii) the location of potential temporary floodlights;
- (iv) the identification of sensitive receptors likely to be impacted upon by light nuisance;
- (v) proposed methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Dust: The CEMP shall set out the particulars of—

- (i) site dust monitoring, recording and complaint investigation procedures;
- (ii) the identification of receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;
- (iii) the provision of water to the site;
- (iv) dust mitigation techniques at all stages of development;
- (v) the prevention of dust trackout;
- (vi) communication with residents and other receptors;
- (vii) a commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority;
- (viii) a 'no burning of waste' policy.

Reason

To safeguard residential amenity in accordance with policies CS5 of the Core Strategy and DS1 of the North Lincolnshire Local Plan.

25.

No development shall take place until proposals for landscaping have been submitted to and approved by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

Reason

To enhance the appearance of the development in the interests of amenity in accordance with policies CS5 of the Core Strategy, and LC12 and DS1 of the North Lincolnshire Local Plan.

26.

All the approved landscaping shall be carried out within 12 months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

In the interests of the amenity of the locality in accordance with policies CS5 of the Core Strategy and DS1 of the North Lincolnshire Local Plan.

27.

Works shall be carried out strictly in accordance with sections 5.1.2 to 5.5.2 of the submitted Preliminary Ecological Appraisal report dated November 2021.

Reason

To conserve protected and priority species in accordance with policies LC5 of the North Lincolnshire Local Plan and CS17 of the Core Strategy.

28.

Within six months of the commencement of development, the applicant or their successor in title shall submit a biodiversity management plan to the local planning authority for approval in writing. The plan shall include:

- (a) details of bat boxes and bat bricks, of at least two different specifications, to be installed on 15% of dwellings;
- (b) details of swift boxes and sparrow terraces to be installed on 15% of dwellings combined;
- (c) details of nesting sites to be installed to support a variety of other species including house martin and garden birds;
- (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (e) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (f) prescriptions for the retention, planting and aftercare of native trees, shrubs, hedgerows and wildflowers of high biodiversity value;
- (g) details of wetland habitat to be created and managed as part of sustainable drainage;
- (h) details for the sensitive management of retained ditches;
- (i) appropriate phasing mechanisms to ensure that significant areas of habitat are created and are becoming properly established before each phase of construction;
- (j) procedures for monitoring and ongoing management of created habitats for a period of at least 30 years;
- (k) measures to avoid light, noise and water pollution, fly-tipping and other factors that would harm habitats and species;
- (l) prescriptions for the provision of a wildlife gardening leaflet for each new resident;

- (m) details to confirm that the measures proposed will provide a measurable net gain in biodiversity value of least 10% in accordance with the Defra biodiversity metric 3.0 and the submitted Biodiversity Assessment dated February 2022;
- (n) proposed timings for the above works in relation to the completion of the dwellings.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

29.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, for a period of at least 30 years, unless otherwise approved in writing by the local planning authority. Prior to the occupation of the 30th dwelling hereby approved, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

30.

No above-ground works shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

31.

Before any dwelling is first occupied the bathroom/WC/en-suite windows shall be obscure-glazed to a minimum of Privacy Level 3 in accordance with the Pilkington Scale of Obscuration and shall be retained in that condition thereafter.

Reason

To protect the living conditions presently enjoyed by the occupants of adjoining properties in accordance with policy DS5 of the North Lincolnshire Local Plan.

and the outline planning permission so granted for 85 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration be subject to the following conditions:

32.

Approval of the details of the layout, scale and appearance of the building(s), and the landscaping of the site, (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

33.

Plans and particulars of the reserved matters referred to in condition 32 above, relating to the layout, scale and appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

34.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

35.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

36.

The development hereby permitted shall be carried out in accordance with the following approved plans:

- 1331/0001 location plan and the site access shown on drawing no. 1339/0006 (Phase 1 site plan).

Reason

For the avoidance of doubt and in the interests of proper planning.

37.

No development shall take place until details of:

- (i) the location and layout of the vehicular access; and
- (ii) the number, location and layout of the vehicle parking space(s) within the curtilage of the site;

have been submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

38.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

39.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

40.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and, once provided, the vehicle parking spaces shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

41.

No dwelling served by the private driveway shall be occupied until it has been constructed in accordance with details including:

- (i) the proposed method of forming access from the highway, including the required visibility splays;
- (ii) the method of constructing/paving the drive;
- (iii) the provision of adequate drainage features;
- (iv) the provision of suitable bin collection facilities adjacent to the highway;
- (v) the provision of suitable lighting arrangements; and
- (vi) the provision of street name plates that shall include the words 'Private Drive';

which have been agreed in writing by the local planning authority. Once constructed the private driveway shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

42.

Works shall not commence on site until wheel cleaning facilities, in accordance with details to be submitted to and approved in writing by the local planning authority, have been provided within the curtilage of the site, and this facility shall be retained for the duration of the works.

Reason

To prevent material being deposited on the highway and creating unsafe road conditions.

43.

No development shall begin until details of:

- (i) the layout, drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway; and
- (ii) the number and location of vehicle parking space(s) on the site;

have been submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

44.

No dwelling on the site shall be occupied until the access road has been completed to at least base course level and adequately lit from the junction with the adjacent highway up to the access to the dwelling.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

45.

No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

46.

No dwelling on the site shall be occupied until the footway has been constructed up to base course level from the junction with the adjacent highway to the access to the dwelling.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

47.

The penultimate dwelling on site shall not be occupied until the access roads have been completed.

Reason

In the interests of highway safety and to comply with policy T2 of the North Lincolnshire Local Plan.

48.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that order with or without modification), no development shall take place within any service strip adjacent to any shared surface road, and any planting or landscaping within this service strip shall be of species which shall be agreed in writing with the local planning authority prior to planting.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

49.

The final travel plan shall be submitted to and approved in writing by the local planning authority within six months of the proposed development being brought into use and all conditions and requirements of the plan, once approved, shall be implemented and retained at all times.

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

50.

The travel plan, once approved and in place, shall be subject to monitoring on an annual basis for a period of three years from the approval date. The monitoring report on the impact of the travel plan shall be submitted to the local planning authority on the first of January each year following the grant of planning permission. All amendments to the approved travel plan identified as a result of the monitoring process shall be implemented and retained.

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

51.

No development shall take place until a construction phase traffic management plan showing details of:

- (i) a pre/post construction condition survey of the carriageway to identify any defects and how they will be rectified;
- (ii) all associated traffic movements, including delivery vehicles and staff/construction movements;
- (iii) any abnormal load movements;
- (iv) contractor parking and welfare facilities;
- (v) storage of materials; and
- (vi) traffic management requirements, including the means of controlling the deposition of mud onto the adjacent highway, along with appropriate methods of cleaning the highway, as may be required;

has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

52.

The details in respect of reserved matters for any phase of development shall include a scheme for the provision of surface water drainage for the site which shall be based on the submitted Flood Risk Assessment & Outline Drainage Strategy, prepared by Roy Lobley, Issue No 1, dated 26/01/2022 and shall include the following criteria:

- (a) peak run-off from a brownfield site should be attenuated to a minimum of 70% of any existing discharge rate (existing rate taken as 1.4 litres/sec/ha or the established rate whichever is the lesser for the connected impermeable area)
- (b) discharge from 'greenfield sites' taken as 1.4 lit/sec/ha (1:1yr storm)
- (c) no above-ground flooding to occur up to the 100-year plus climate change critical flood event (based on current national guidance)
- (d) a range of durations should be used to establish the worst-case scenario
- (e) the suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology
- (f) a scheme for the provision of a positive outlet of surface water from the site
- (g) adoption and maintenance agreements for all surface water and SuDS drainage features.

If a full sustainable urban drainage system (SuDS) scheme is incapable of being delivered, then comprehensive justification of this must be submitted.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

53.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 52 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

54.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

55.

No development shall take place until details showing an effective method of preventing surface water run-off from the highway onto the developed site have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

56.

No development shall take place until a scheme for the disposal of foul water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

57.

Any contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended, and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

Reason

To safeguard human health in accordance with policies DS7 and DS1 of the North Lincolnshire Local Plan.

58.

A scheme for the provision of electrical vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall be designed to take account of good practice guidance as set out in the Institute of Air Quality Management Land Use Planning and Development Control, and contemporaneous electrical standards, including:

- Electrical Requirements of BS7671:2008
- IET Code of Practice on Electrical Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7.

The approved scheme shall be installed in full and retained in perpetuity thereafter.

Reason

To facilitate the uptake of low emission vehicles and reduce the emission impact of traffic arising from the development in line with policy CS18 of the Core Strategy and the National Planning Policy Framework.

59.

Construction, demolition and site clearance operations shall be limited to the following days and hours:

- 8am to 6pm Monday to Friday
- 8am to 1pm on Saturdays.

No construction, demolition or site clearance operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

To safeguard residential amenity in accordance with policies CS5 of the Core Strategy and DS1 of the North Lincolnshire Local Plan.

60.

No stage of the development hereby permitted shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

Noise and vibration: The CEMP shall set out the particulars of—

- (i) the works, and the method by which they are to be carried out;
- (ii) the noise and vibration attenuation measures to be taken to minimise noise and vibration resulting from the works, including any noise limits; and
- (ii) a scheme for monitoring the noise and vibration during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures.

Light: The CEMP shall set out the particulars of—

- (i) specified locations for contractors' compounds and materials storage areas;
- (ii) areas where lighting will be required for health and safety purposes;
- (iii) the location of potential temporary floodlights;
- (iv) the identification of sensitive receptors likely to be impacted upon by light nuisance;
- (v) proposed methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Dust: The CEMP shall set out the particulars of—

- (i) site dust monitoring, recording and complaint investigation procedures;
- (ii) the identification of receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;
- (iii) the provision of water to the site;
- (iv) dust mitigation techniques at all stages of development;
- (v) the prevention of dust trackout;
- (vi) communication with residents and other receptors;

- (vii) a commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority;
- (viii) a 'no burning of waste' policy.

Reason

To safeguard residential amenity in accordance with policies CS5 of the Core Strategy and DS1 of the North Lincolnshire Local Plan.

61.

Before development is commenced, details of the method of protecting the existing trees and hedgerows on the site throughout the construction period shall be submitted to and approved in writing by the local planning authority, and such works as may be so approved shall be carried out before development is commenced, and maintained until completion of the development. None of the trees so protected shall be wilfully damaged or destroyed, uprooted, felled, lopped or topped, nor any other works carried out which would cause damage to the root systems or otherwise threaten the lives of the trees during the period of construction without the previous written consent of the local planning authority. Any trees removed without such consent, or dying or being severely damaged or becoming seriously diseased during that period shall be replaced with trees of such size and species as may be agreed with the local planning authority.

Reason

To safeguard the existing trees on the site in accordance with policy LC12 of the North Lincolnshire Local Plan.

62.

Works shall be carried out strictly in accordance with sections 5.1.2 to 5.5.2 of the submitted Preliminary Ecological Appraisal report dated November 2021.

Reason

To conserve protected and priority species in accordance with policies LC5 of the North Lincolnshire Local Plan and CS17 of the Core Strategy.

63.

Within six months of the commencement of development, the applicant or their successor in title shall submit a biodiversity management plan to the local planning authority for approval in writing. The plan shall include:

- (a) details of bat boxes and bat bricks, of at least two different specifications, to be installed on 15% of dwellings;
- (b) details of swift boxes and sparrow terraces to be installed on 15% of dwellings combined;
- (c) details of nesting sites to be installed to support a variety of other species including house martin and garden birds;
- (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;

- (e) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (f) prescriptions for the retention, planting and aftercare of native trees, shrubs, hedgerows and wildflowers of high biodiversity value;
- (g) details of wetland habitat to be created and managed as part of sustainable drainage;
- (h) details for the sensitive management of retained ditches;
- (i) appropriate phasing mechanisms to ensure that significant areas of habitat are created and are becoming properly established before each phase of construction;
- (j) procedures for monitoring and ongoing management of created habitats for a period of at least 30 years;
- (k) measures to avoid light, noise and water pollution, fly-tipping and other factors that would harm habitats and species;
- (l) prescriptions for the provision of a wildlife gardening leaflet for each new resident;
- (m) details to confirm that the measures proposed will provide a measurable net gain in biodiversity value of least 10% in accordance with the Defra biodiversity metric 3.0 and the submitted Biodiversity Assessment dated February 2022;
- (n) proposed timings for the above works in relation to the completion of the dwellings.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

64.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, for a period of at least 30 years, unless otherwise approved in writing by the local planning authority. Prior to the occupation of the 50th and 80th dwelling hereby approved, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

65.

The residential development hereby permitted shall not comprise more than 85 dwellings (Use Class C3).

Reason

For clarity and to ensure a satisfactory standard of development on the site.

Informative 1

This application must be read in conjunction with the relevant Section 106 Agreement.

Informative 2

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

Informative 3

The applicant's attention is drawn to the comments made by Humberside Police, Humberside Fire and Rescue Service and Recycling.

Informative 4

Our records indicate that the proposed development site is bounded by a series of riparian watercourses (currently owned and maintained by the landowner). An easement adjacent to the watercourse may need to be provided for future maintenance.

Alterations and/or connections into the watercourse must be consented by the LLFA Drainage Team through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 5

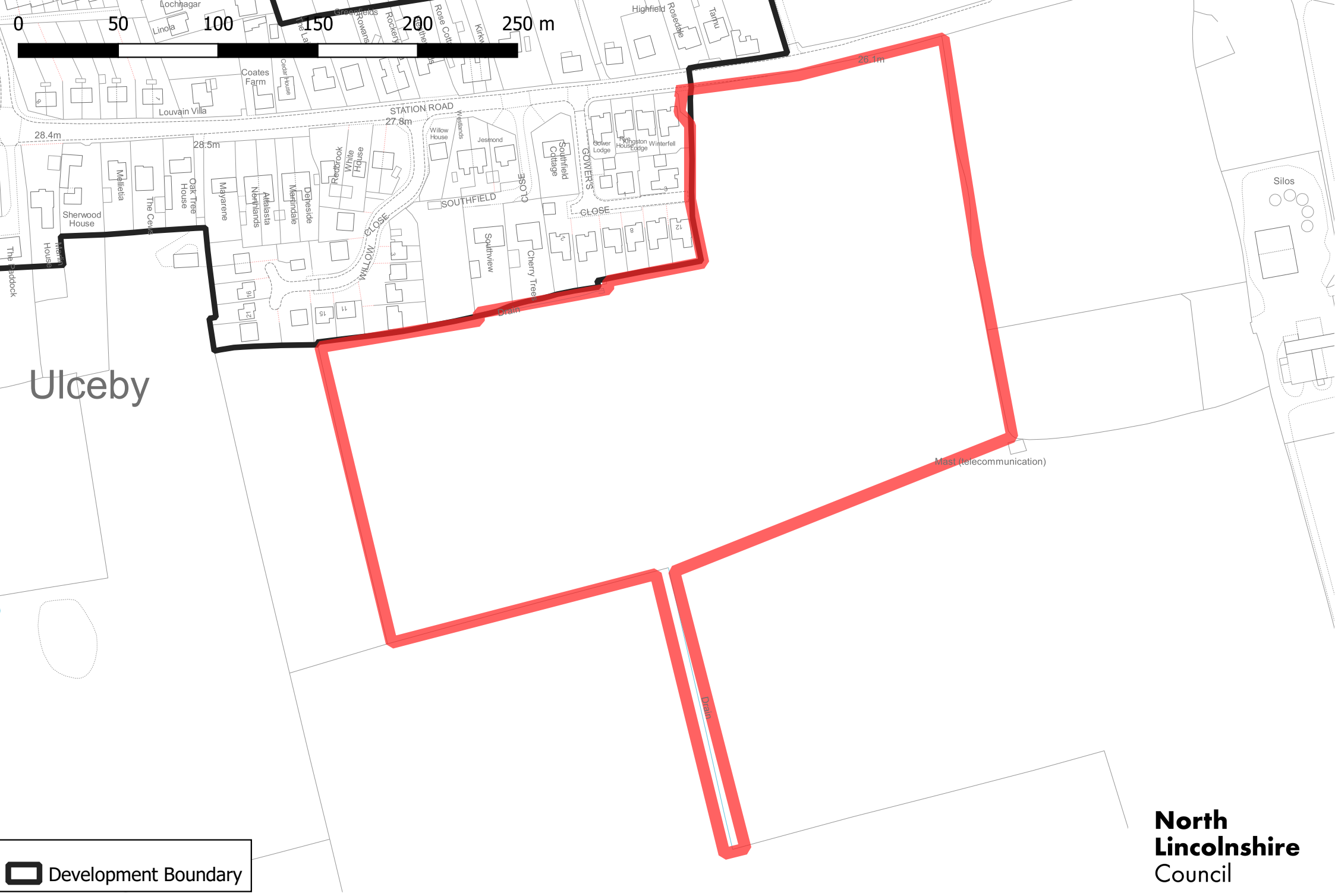
For your information the LLFA Drainage Team no longer permit the use of connected private surface water drainage systems which are reliant on one outfall/property owner, unless a robust adoption and maintenance plan is produced and made known to all property owners. The reliance on one owner to maintain a drainage system, if not maintained, can cause civil and legal disputes moving forward with several neighbouring properties. This is not a good solution unless it is a public sewer and adopted by the water company. This is an approach that other local authorities are adopting. There is no reason why each property cannot have their own individual surface water drainage outfall.

Informative 6

Confirmation is also required for the existing Anglian Water surface water sewer inflows from the upstream developments (Gower Close and Willow Close) and these rates of discharge must be included in the detailed surface water drainage design, including robust adoption and maintenance of all sections of watercourse and the required agreements from the council's drainage team for alterations and/or connections in their capacity as Lead Local Flood Authority (LLFA).

Informative 7

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



Ulceby

 Development Boundary

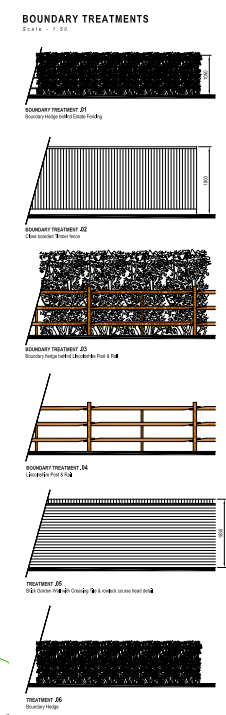
PA/2022/628

**North
Lincolnshire
Council**



Unit	Reference	Type	Area m ² S	Area m ² D	Price	Units
H2	4	Detached	238	235	1/2 / 111/16	4
H3	4	Detached	238	235	1/2 / 111/16	4
H4	5	Detached	301	316	1/2 / 111/16	4
C1	4	Detached	138	136	1/2 / 111/16	4
C2	4	Detached	141	141	1/2	1
C3	4	Detached	136	141	1/2	0
C4	4	Detached	148	148	1/2 / 111/16	4
C5	4	Detached	138	137	1/2	1
C6	4	Detached	138	137	1/2	0
C7	3	Detached	136	136	1/2 / 111/16	4
C8	3	Detached	136	136	1/2 / 111/16	4
C9	3	Detached	146	146	1/2 / 111/16	4
C10	3	Detached	146	146	1/2 / 111/16	4
C11	3	Detached	146	146	1/2 / 111/16	4
C12	3	Detached	146	146	1/2 / 111/16	4
C13	3	Detached	146	146	1/2 / 111/16	4
C14	3	Detached	146	146	1/2 / 111/16	4
C15	3	Detached	146	146	1/2 / 111/16	4
C16	3	Detached	146	146	1/2 / 111/16	4
C17	3	Detached	146	146	1/2 / 111/16	4
C18	3	Detached	146	146	1/2 / 111/16	4
C19	3	Detached	146	146	1/2 / 111/16	4
C20	3	Detached	146	146	1/2 / 111/16	4
C21	3	Detached	146	146	1/2 / 111/16	4
C22	3	Detached	146	146	1/2 / 111/16	4
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C32	3	Detached	146	146	1/2 / 111/16	4
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C58	3	Detached	146	146	1/2 / 111/16	4
C59	3	Detached	146	146	1/2 / 111/16	4
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C63	3	Detached	146	146	1/2 / 111/16	4
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C65	3	Detached	146	146	1/2 / 111/16	4
C66	3	Detached	146	146	1/2 / 111/16	4
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C69	3	Detached	146	146	1/2 / 111/16	4
C70	3	Detached	146	146	1/2 / 111/16	4
C71	3	Detached	146	146	1/2 / 111/16	4
C72	3	Detached	146	146	1/2 / 111/16	4
C73	3	Detached	146	146	1/2 / 111/16	4
C74	3	Detached	146	146	1/2 / 111/16	4
C75	3	Detached	146	146	1/2 / 111/16	4
C76	3	Detached	146	146	1/2 / 111/16	4
C77	3	Detached	146	146	1/2 / 111/16	4
C78	3	Detached	146	146	1/2 / 111/16	4
C79	3	Detached	146	146	1/2 / 111/16	4
C80	3	Detached	146	146	1/2 / 111/16	4
C81	3	Detached	146	146	1/2 / 111/16	4
C82	3	Detached	146	146	1/2 / 111/16	4
C83	3	Detached	146	146	1/2 / 111/16	4
C84	3	Detached	146	146	1/2 / 111/16	4
C85	3	Detached	146	146	1/2 / 111/16	4
C86	3	Detached	146	146	1/2 / 111/16	4
C87	3	Detached	146	146	1/2 / 111/16	4
C88	3	Detached	146	146	1/2 / 111/16	4
C89	3	Detached	146	146	1/2 / 111/16	4
C90	3	Detached	146	146	1/2 / 111/16	4
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C96	3	Detached	146	146	1/2 / 111/16	4
C97	3	Detached	146	146	1/2 / 111/16	4
C98	3	Detached	146	146	1/2 / 111/16	4
C99	3	Detached	146	146	1/2 / 111/16	4
C100	3	Detached	146	146	1/2 / 111/16	4

- KEY:**
- PHASE 1 BOUNDARY
 - PROPOSED HOUSE
 - PROPOSED DRIVE
 - PROPOSED TREATMENT



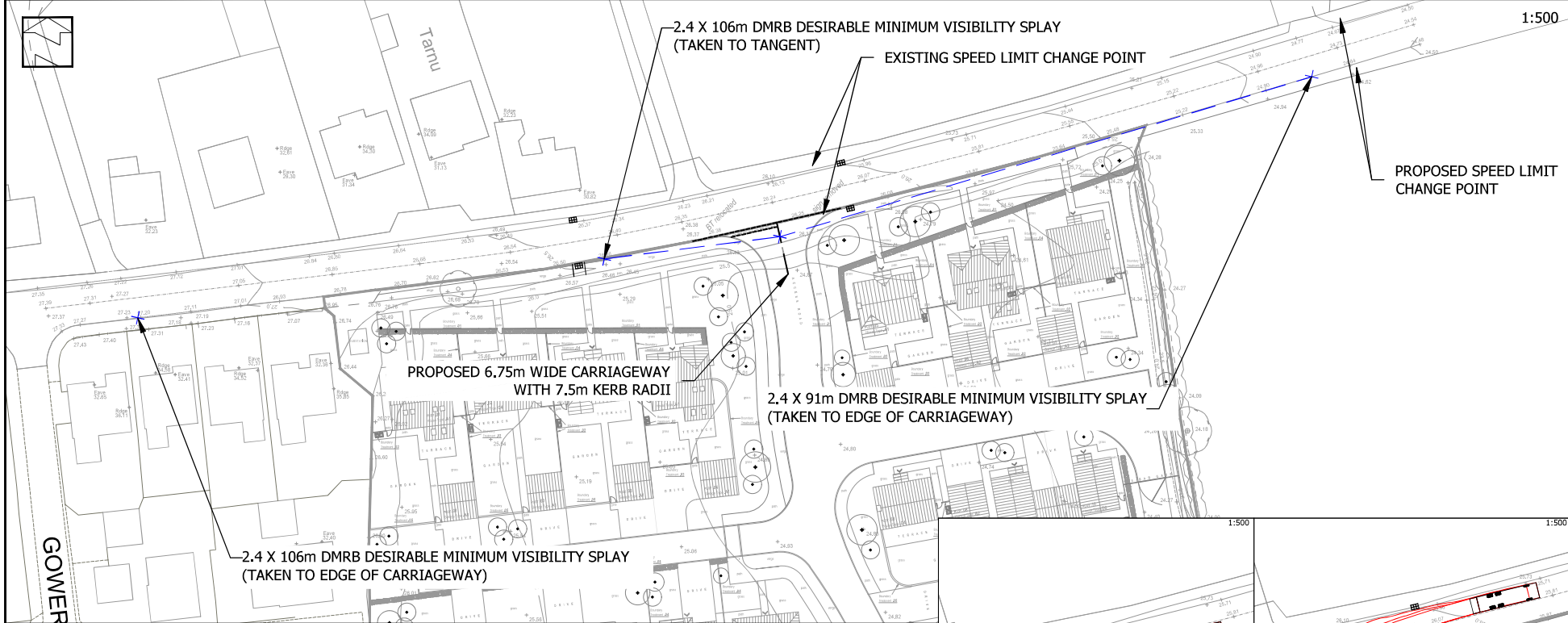
NOTES:

1. This is a proposed site plan. The contractor will be responsible for checking all dimensions, location and levels and for providing appropriate signage.
2. The contractor will be responsible for providing all materials and labor for the construction of the proposed site plan.
3. The contractor will be responsible for providing all materials and labor for the construction of the proposed site plan.
4. The contractor will be responsible for providing all materials and labor for the construction of the proposed site plan.
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8. The contractor will be responsible for providing all materials and labor for the construction of the proposed site plan.
9. The contractor will be responsible for providing all materials and labor for the construction of the proposed site plan.
10. The contractor will be responsible for providing all materials and labor for the construction of the proposed site plan.

1319/0004

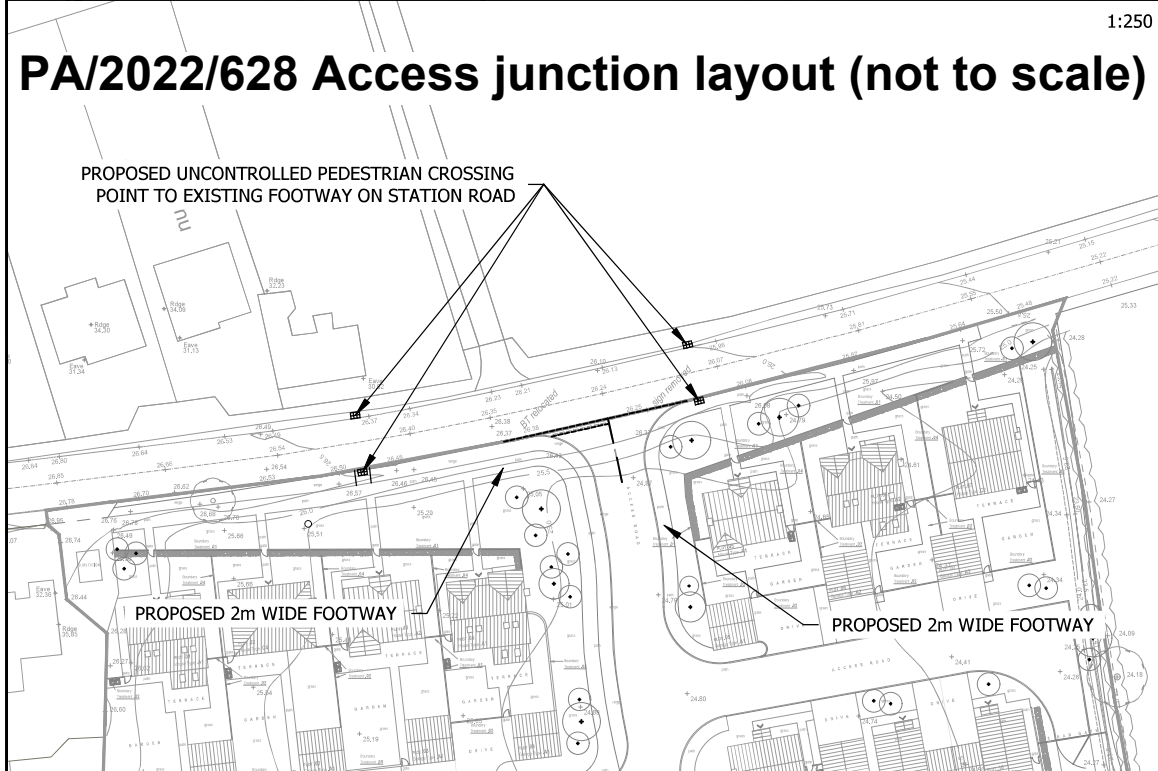
Hyde Architecture

PA/2022/628 Phase 1 proposed layout (not to scale)



1:500

Phoenix 2 Duo (P2-15W with Elbe 6x4 chassis)	11.200m
Overall length	2.950m
Overall width	3.750m
Overall body height	0.930m
Min Body Ground Clearance	2.500m
Track Width	2.500m
Lock to lock time	4.00s
Kerb to Kerb Turning Radius	6.650m



PA/2022/628 Access junction layout (not to scale)

Rev	Description	Date
P4	Updated layout	08/02/2022
P3	Updated layout (agricultural vehicles to use separate access)	29/11/2021
P2	Site access layout amended to accommodate agricultural vehicles	14/11/2018

Client: MF Strawson
 Project: Proposed Residential Development Station Road, Ulceby

Title: Access Junction Layout

ADC
INFRASTRUCTURE

Orig Size: A2	Scale: AS SHOWN	Date: 03/09/2021
Orig No: ADC1817-DR-002	Rev: P4	



Appeal Decision

Hearing Held on 25 February 2020

Site visits made on 24 and 25 February 2020

by G J Fort BA PGDip LLM MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2020

Appeal Ref: APP/Y2003/W/19/3233292 Land at Station Road, Ulceby, Lincolnshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr P Strawson (MF Strawson Limited) against the decision of North Lincolnshire Council.
 - The application Ref PA/2018/2525, dated 10 December 2018, was refused by notice dated 5 July 2019.
 - The development proposed is the residential development of up to 90 dwellings, formation of access and provision of public open space.
-

Decision

1. The appeal is allowed and planning permission is granted for the residential development of up to 90 dwellings, formation of access and provision of public open space at Land at Station Road, Ulceby, Lincolnshire in accordance with the terms of the application, Ref PA/2018/2525, dated 10 December 2018, subject to the conditions in the schedule to this decision below.

Application for costs

2. An application for costs was made by Mr P Strawson (MF Strawson Limited) against North Lincolnshire Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application that led to this appeal was in outline with all matters reserved except for access. I will consider the appeal on this basis and treat the submitted details as indicative insofar as they relate to matters reserved for future determination.
4. The policies and supplementary guidance which support the planning obligations which accompanied the proposal were not supplied to me prior to the hearing. However, the Council provided these, by agreement, after the hearing. As these either form part of the adopted development plan, or are readily available pieces of local planning guidance with which both parties are familiar, I consider that no prejudice would occur to the interests of any parties as a result of me taking them into account in my assessment of the merits of the appeal.

5. At the hearing it emerged that a Traffic Regulation Order¹ (TRO) had been made in November 2019. Amongst other things the TRO puts in place a 30mph speed limit along Station Road in the vicinity of the appeal site. The Council provided a copy of the TRO after the hearing, and I sought the appellant's comments on it. Consequently, my consideration of the TRO as part of my assessment of the appeal's merits would not prejudice the interests of any parties.

Main Issues

6. I consider the main issues in this case to be firstly, the effect of the proposed development on the character and appearance of the site and its surroundings; secondly, the effect of the proposed development on highway safety; and thirdly, the effect on the overall planning balance of other considerations including the District's housing supply.

Reasons

Site, surroundings and proposed development

7. Situated on the edge of Ulceby, the appeal site, an undulating arable field bounded in the main by hedgerows with some mature trees, is roughly L-shaped. Whilst the appeal site is situated in a wider pattern of arable fields, it is also related to the settlement of Ulceby as it wraps around the dwellings at Gower Close, Southfield Close and Willow Close. The scale and massing of these houses taken together with their boundary treatments which comprise tall fencing of an inherently domestic appearance constitute an abrupt and hard edge to the settlement, which taken together with the telecommunications mast in an adjacent field, dilute the landscape character of the appeal site. In arriving at this view, I am mindful of discussions at the hearing regarding the potential extension of the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). However, this initiative is at a relatively early stage, and it is not clear that any expansion of the AONB would encompass the appeal site or indeed the immediately inter-visible landscape wherein pylons, transport infrastructure, the refinery, and the intensive arable character of fields are evident signs of human influence.
8. The proposed development would introduce residential development to the appeal site of up to 90 dwellings, which would be accessed from Station Road, with a footway, and courtesy crossings provided at the front of the site. Whilst details of site layout are reserved for future determination, both the description of development and a planning obligation that accompanies the proposal make provision for public open space and the installation of play equipment.

Policy Background

9. The appeal site is outside of the settlement boundary of Ulceby and is thus in the open countryside for the purposes of the development plan. Policies CS2, CS3 and CS8 of the North Lincolnshire Core Strategy (adopted June 2011) (the Core Strategy); and Policy RD2 of the North Lincolnshire Local Plan (adopted May 2003) (the Local Plan) seek to control development in the open countryside. Whilst the policies set out the exceptional types of development which could be permitted on sites outside of settlement boundaries, the appeal

¹ The North Lincolnshire Borough Council (Various Roads) (Restricted/De-restricted Roads and Speed Limits) (Consolidation) Order 2013 (Various Roads, Ulceby and Thornton Curtis) (Amendment No 14) Order 2019

scheme does not fall into any of these categories. Consequently, the proposed development would clearly conflict with the above-cited policies, insofar as taken together and amongst other things, they seek to control development in the open countryside.

10. At the hearing, discussions revealed that emerging development plan documents seek to retain the existing settlement boundary for Ulceby. Be that as it may, the emerging development plan is at a very early stage of preparation, and as such carries only very modest weight in the overall planning balance.

Character and Appearance

11. As a result of the proposed development, the settlement footprint of Ulceby would extend further along Station Road and at a greater depth beyond that highway than the housing on the immediately adjacent site. Residential development of the appeal site would undoubtedly alter its character, from a field free from built development to one with buildings upon it. In this way, the appeal scheme would differ from the immediately adjacent residential development, which relates to a site that was occupied by buildings prior to construction of the houses. Nevertheless, the substantial dwellings and prominent boundary treatments of that immediately adjacent site provide a clear and influential context for the appeal site, and a hard and abrupt transition from the countryside to the settlement. As a consequence, residential development of the appeal site would not appear unduly out of place; and moreover, the proposed development would be at relatively low density which could allow the most prominent landscape features at the site, namely the hedges and mature trees, to be retained and strengthened. In this respect the appeal scheme could also provide a softer edge to the settlement than currently exists.
12. I readily accept that on entering Ulceby from the direction of Ulceby Skitter, the proposed development would be visible. However, taken together the topography of adjacent fields, the existing mature hedgerows and trees within those fields, and the retention of boundary planting on the appeal site coupled with the strong potential to incorporate additional and extensive landscaping as part of its development, mean the proposed dwellings would not be widely visible - either in terms of their extent along Station Road, or in terms of the overall depth of development behind it. Moreover, residential development of the appeal site would entail only a limited linear extension of built development along Station Road beyond the housing present on the other side of the carriageway. Consequently, this aspect of the scheme, taken together with its limited wider visibility, mean that it would not materially diminish the gap between Ulceby and Ulceby Skitter, or result in the merging of these settlements.
13. In longer range publicly available views, such as from Brocklesby Road, the appeal scheme could be glimpsed in gaps in the high hedgerows which are the principal boundaries adjacent to the highway. However, the appeal scheme would be appreciated in the immediate context of existing residential development and within an undulating landscape which would serve to limit its visual implications. These aspects of the site and its surroundings, taken together with my observations set out above, mean that the proposed

development would not appear as a disproportionate extension to the settlement, and would not overwhelm its existing character.

14. Taking these matters together, I consider that the proposed development at the densities anticipated and subject to appropriate design details at the reserved matters stage could readily assimilate with its surroundings. On this basis, I therefore conclude on this main issue that the proposed development would not cause any material harm to the character and appearance of the site or its surroundings. In these terms the proposed development would not conflict with Policy RD2 of the Local Plan or Policy CS2 of the Core Strategy, which, taken together and amongst other things, seek to ensure that development is not detrimental to the character or appearance of the open countryside or a nearby settlement, is locally distinctive and designed to a high standard.

Highway Safety

15. The proposed development is supported by a Transport Assessment² (the Assessment), which is informed by traffic speeds in the vicinity of the appeal site observed by an Automatic Traffic Counter between 8 to 15 March 2018. Although I note that there could be seasonal variation in traffic flows, and sometimes that vehicle movements through Ulceby could be related to tidal changes at the Humber Ports, I consider that the duration of the observations provides a reasonable basis for assessment.
16. Moreover, it is speeds at the upper end of those observed (that is the 85th percentile speeds) that are used to determine the appropriate visibility splays for the junction to the site, which the submitted plans show can be achieved. Critically, the recorded speeds on which the Assessment is based pre-dated the implementation of the recent TRO, which has restricted speeds in the area of Station Road adjacent to appeal site to 30mph. Although I note comments at the hearing that the TRO may be yet to yield fruit in terms of reducing traffic speeds through the area, it nevertheless has the potential to achieve a reduction in traffic speeds in comparison to those recorded at the time of the Assessment's observations.
17. At the hearing, speeds recorded by the monitoring system at Station Road adjacent to Gower Close were discussed, including occasions when very excessive speeds have been observed. However, I have been supplied with no substantive evidence to suggest that those very excessive vehicle speeds are commonplace, and due to this I consider that they would not constitute an unacceptable risk affecting the day-to-day operation of the proposed junction. In arriving at this view, I am mindful that the local highway authority had no objection to the proposed junction in highway safety terms and that aspects of its design could be secured by condition.
18. I am mindful of references made both in written correspondence and at the hearing to accidents that have occurred along Station Road- nevertheless the substantive detail of these is not before me. The Assessment includes details of two relatively minor events within 200m of the appeal site over the period of 2013 to 2017 and sourced from the Crashmap database. Consequently, on balance, it has not been demonstrated that Station Road in the vicinity of the appeal site is unduly hazardous.

² Produced by ADC Infrastructure, dated 14 November 2018

19. The Assessment uses the industry standard TRICS data, derived from national level statistics relating to vehicle movements arising from developments, in modelling the transport effects of the appeal scheme. Based on the TRICS data, the Assessment finds that the proposed development would generate up to 67 vehicle movements at the AM and PM peak hours, and these would be distributed east and west at the appeal scheme's junction with Station Road - so not all of those projected vehicle movements would be travelling through Ulceby at those times. On this basis, I consider that, whilst the proposed development would undoubtedly increase vehicle movements along Station Road, it would not do so to a degree that would have a material effect on its day-to-day operation.
20. Station Road is used as a diversionary route for the A180 should road traffic accidents require closures. I am mindful that when the diversionary route is in place this can cause congestion through Ulceby, including HGVs. However, it emerged at the hearing that the use of Station Road as a diversionary route is a relatively infrequent occurrence. Moreover, any traffic arising from the use of Station Road as a diversionary route would not be a direct consequence of the proposed development; and the relatively limited traffic movements that the appeal scheme would cause would not materially worsen conditions when the diversionary route is in place. Although some consider that the Road has been used as a 'rat-run' since recent changes to major junctions in the vicinity have been implemented, I have been supplied with no substantive evidence as to the extent to which this may have affected traffic flows through the settlement. Although I am mindful of the view expressed at the hearing regarding the potential transport impacts of the emerging free ports proposals, which may affect the Humber Ports, this initiative is at a relatively early stage of development and as a result any potential effects it may have on the use of Station Road are currently unclear. These considerations lead me to the view that neither the current day-to-day use of Station Road; nor its occasional use as a diversionary route carry weight against the proposed development in the overall planning balance.
21. I accept that private motor vehicles would be the principal form of transport for future occupants of the proposed dwellings including any affordable houses; and that some of the existing footways along Station Road may be less suitable for use by those with mobility impairments. Nevertheless, I am mindful that the train station at Ulceby Skitter is within a reasonable walking distance, and along a footway which is well lit, and thus would be accessible to some of the future occupants of the appeal site. Furthermore, bus services are available from stops a short distance from the appeal site. Moreover, the proposed development would see the extension of the existing footway to the entrance to the appeal site, which albeit with some crossings of the road, would facilitate some trips into Ulceby to access the services there. I am also cognisant of the Travel Plan³, which accompanies the proposal, and seeks to promote the use of sustainable transport for the future occupants of the proposed dwellings - and compliance with the recommendations of an up-to-date travel plan is a matter that can be secured by condition.
22. Although I note the relative infrequency of the available bus and train services, I am nevertheless conscious of the National Planning Policy Framework (the Framework) which recognises that opportunities to maximise sustainable

³ Produced by ADC Infrastructure Limited dated 29 August 2018

transport solutions will vary between urban and rural areas⁴. The Framework also sets out that it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location⁵; and for the reasons given above, the appeal scheme clearly accords with this aim.

23. Accordingly, these considerations lead me to the conclusion on this main issue that the proposed development would not cause materially adverse effects to highway safety. The proposed development would not therefore conflict with Policy T2 of the Local Plan or the Framework, which taken together and amongst other things seek to ensure that developments avoid unacceptable impacts to highway safety, do not cause severe residual cumulative impacts on the road network, are provided with a satisfactory access, and are served adequately by the existing highway.

Other Considerations

24. A signed and sealed agreement⁶ pursuant to s106 of the Town and Country Planning Act 1990 (as amended) accompanies the appeal submission and includes several planning obligations. The obligations include contributions toward education, affordable housing and leisure provision; and to secure the use of part of the site as public open space with the provision of play equipment; and to ensure the long-term maintenance of the sustainable drainage system. The obligations in these regards are proportionate to meet the needs arising from residential development of the anticipated scale and nature of the appeal scheme; and seek to ensure the continued management of its surface water drainage, which would be necessary to mitigate its effects in these regards. Moreover, I am also mindful that the description of the proposed development in this case includes the provision of public open space.
25. Moreover, taken together Policies CS9, CS27 of the Core Strategy, Policy H10 of the Local Plan, and the *Provision of Open Space in New Housing Developments* and *The Developer Contributions to Schools* Supplementary Planning Guidance (adopted February 2006 and April 2006 respectively) require developments to meet reasonable costs of new infrastructure and improvements to existing infrastructure made necessary by a proposal – including, amongst other things, affordable housing, maintenance payments, utilities, education, community facilities, leisure and recreation provision.
26. For the above-given reasons, I consider the aforementioned obligations to be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to it – and in arriving at this view I am mindful that no evidence has been supplied which queries either the necessity or the viability of these obligations. Accordingly, I consider that these obligations meet the relevant statutory⁷ and national policy⁸ tests and are therefore material considerations in my assessment of the appeal.
27. One of the obligations contained in the agreement relates to a highways contribution to secure a sum payable for the implementation of a TRO on

⁴ At paragraph 103

⁵ At paragraph 108 (a)

⁶ Dated 1 November 2019

⁷ Provided by Regulation 122(2) of the Community Infrastructure Levy Regulations 2010

⁸ Set out in paragraph 56 of the Framework

Station Road plus all requisite signing and lining and other ancillary highway works to reduce the speed limit to 30mph. However, as set out above, a TRO which secures these measures is already in place. Consequently, this particular obligation is not necessary to make the development acceptable in planning terms and thus does not meet the relevant statutory and national policy tests. However, the agreement makes specific provision⁹ for any obligation I find to be prohibited by law to be severed from it, without affecting the other obligations it contains. Accordingly, on this basis I conclude that the highway contribution can be severed without affecting the validity of the other obligations that the agreement contains.

28. The proposed development could supply up to 90 dwellings, which due to their relatively low density could provide a mix of dwelling types and sizes including a number of affordable houses secured through the planning obligation. In this latter regard I am particularly mindful of the references both in the appellant's statement and the Council's Officer Report to the need for, and the historic undersupply of, affordable housing: matters established in the most recent version of the District's Strategic Housing Market Assessment. In these ways, the proposed development would make an important contribution in support of the Government's objective of significantly boosting the supply of homes and help to address the needs of groups with specific housing requirements- including through the provision of affordable housing.
29. The proposed development would also supply public open space and play equipment, which, whilst necessary to make the proposed development acceptable in planning terms would nevertheless be available for use not only by its future occupants but also by the residents of the appeal site's surroundings. Both the construction of the appeal scheme and the use of local services by its future occupants would yield economic benefits, as would local finance considerations including the New Homes Bonus payments, which the Council would be eligible to receive as a result of the delivery of the proposed dwellings. Landscaping and other aspects of the proposal have the potential to secure measurable net gains for biodiversity, in comparison to the current use of the appeal site as an intensively farmed arable field, which the Council's ecological consultee considers to have "limited biodiversity value" at present¹⁰- and such measures could be secured by condition. Taken together, these clear benefits of the proposed development weigh in its favour to a considerable degree.
30. Some consider that the proposed development would place undue pressure on local services, including the school; and that the extent of services in Ulceby would not meet the day-to-day needs of the occupants of the proposed development - particularly as there has been a number of residential permissions¹¹ relating to sites in the settlement in recent years. However, I have been supplied with no substantive evidence that the proposal, which could provide a mix of dwellings and thus include a range of household types, would lead to rises in class sizes at the local school of a scale which would threaten the effectiveness or quality of its educational provision.

⁹ At point 2.7

¹⁰Per the North Lincolnshire Council Inter Office Memo dated 17 April 2019

¹¹ Council references: PA/2017/2136; PA/2017/2080; PA/2017/1680; PA/2017/1024; PA/2017/1450; PA/2016/1259; PA/2016/796; PA/2014/1311

31. Moreover, in addition to the school, Ulceby has a reasonable range of local services including, amongst others, a convenience store with post office services, a nursery, a veterinary clinic, GP branch surgery services available on Tuesday afternoons, a public house, a takeaway, a tea room, and a hairdressing salon. I readily accept that these services would not meet all the day-to-day needs of the proposed development's residents; however, they would nevertheless provide some local facilities, which whilst situated in the main to the other end of the settlement to the appeal site, would be within a reasonable walking distance. As a result, not all journeys from the appeal site to those services would be by the private car. Neither for this reason would unsustainable demand for car-parking, particularly at the convenience store or in relation to the school, be an inevitable concomitant of the proposed development. Although I note the views expressed regarding the adequacy of play facilities in the settlement, I am mindful also that the planning obligation secures the delivery of public open space with play facilities as part of the proposed development, which would augment Ulceby's provision in this regard.
32. The site is within Flood Zone 1; nevertheless, I am mindful that proposed development of a greenfield site could have effects on surface water run-off. Furthermore, both written representations and oral submissions at the hearing cited incidents in Ulceby related to the sewerage system and surface water drainage. In these regards, I note that trial pitting¹² conducted to inform the Flood Risk and Drainage Assessment (FRDA) found that the soil type is not suited to the provision of soakaways. I acknowledge also that the type of soil recorded on the Wallingford Procedure Winter Rainfall Acceptance Potential (WRAP) map of the site appears to differ from that actually observed during the trial pitting procedure- and some have questioned whether the FRDA adequately considers the current run-off rate of the site as a result.
33. However, whilst soakaways are not feasible, the FRDA recommends an attenuation system linking to existing drains across the site, which would substantially limit the rate of surface water run-off. Moreover, the FRDA makes it clear that the proposed measures would be designed to contain full 1 in 100 year flooding events, including a 10% allowance for urban creep and a climate change volume allowance. Consequently, should the existing surface water run-off be in excess of any assumptions based on the WRAP soil type, it is clear that the proposed drainage solutions for the site would be of a generous capacity which would ensure that the risk of flooding would not be increased elsewhere as a result of the proposed development. In arriving at this view, I am mindful that neither the Lead Local Flood Authority, nor the Environment Agency, nor the North East Lindsey Drainage Board, nor Anglian Water objected to the proposal on the basis of its flooding and surface water drainage aspects. Moreover, the attachment of planning conditions would ensure that appropriate measures are incorporated within any final design for the site.
34. Interested parties made comments regarding issues with the sewerage system in the local area, which I have taken into account. Nevertheless, Anglian Water supplied information demonstrating, subject to the appropriate measures being undertaken by the development, that sufficient capacity exists to handle the drainage of foul water from the proposed development. On this basis, it has

¹² as documented in Appendix E: Soakage Test Results of the appellant's Flood Risk and Drainage Assessment Ramm Sanderson (November 2018)

- not been demonstrated that the proposal would lead to adverse impacts in these regards.
35. The submitted plans show an area edged in blue, beyond the boundary of the appeal site which is also in the same ownership. Some have suggested that further development may be proposed on the land so identified; however, my assessment of the appeal scheme is based on the plans and other materials submitted which all relate to development of the land edged in red on the submitted location plan. Accordingly, as there are no proposals before me relating to the land edged in blue, the extensiveness of that parcel of land of itself, does not weigh against the proposed development.
36. It is clear that the outlook would change from the windows of dwellings that face toward the appeal site as a result of its residential development. Nevertheless, matters of the proposed development's scale, layout and appearance are reserved for future determination. Moreover, the relatively low density of the proposed development means that its landscaping and layout could avoid unduly enclosing or overbearing on any available outlook from neighbouring dwellings. Similarly, careful design at the reserved matters stage would ensure that harmful effects in respect of the availability of sunlight or daylight could be avoided. The proposal would introduce residential sounds, on a site immediately adjacent to an existing residential area- consequently, it would assimilate readily with the prevailing noise environment and would cause no material harm in this respect. Although I note generalised concerns regarding litter and dog fouling, I have no substantive evidence before me to suggest that the proposed development would lead to a material increase in such incidents. Accordingly, none of these matters weigh against the proposed development in the overall planning balance.
37. Some have questioned the economic viability of the scheme and referred to the length of time that some dwellings in the area have been on the market. However, neither the evidential basis of these statements nor an analysis of the factors that may have influenced the length of time properties have been on the market have been supplied. Furthermore, the marketing of any dwellings coming forward on the appeal site is a commercial matter that is not instrumental in a planning decision of this nature. These matters do not therefore weigh against the proposed development.
38. I note references to sightings of deer on the appeal site. However, whilst the proposed development would change the nature of the site from its current agricultural use it relates to only a relatively small part of a much wider pattern of arable land. As a consequence, I consider that deer populations would have a plentiful supply of alternative habitat. Similarly, the proposed development would only result in a very small reduction in the overall amount of arable land in the area. The retention and strengthening of landscaping, alongside other biodiversity measures to be secured by condition on this permission, and by careful design at the reserved matters stage would ensure that any impacts to bats, owls, birds of prey and game birds are appropriately mitigated. Consequently, these considerations do not weigh against the proposed development.
39. Some respondents claim that ex-offenders reside in the wider area, whose activities could pose a risk to the future occupants of the site. I also note comments that emergency services vehicles encounter difficulties in accessing

Ulceby, and that the proposed development could lead to a higher number of incidents which would require their attendance. However, generalised concerns of this nature do not carry any weight against the proposed development, and in arriving at this view I note that there were no objections to the proposal from either the local constabulary or the Fire and Rescue Service. Although I am mindful of the view that the indicative layout for the scheme could lead to incidences of anti-social behaviour, the precise layout of development is a matter reserved for future determination to which such considerations will be more relevant.

Planning Balance

40. The Framework establishes¹³ that where the policies which are most important for determining an application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole – the so-called ‘tilted balance’. The Framework makes it clear that instances where the policies most important for determining an application are out-of-date include applications for housing where a local planning authority cannot demonstrate a 5 year supply of deliverable sites.
41. Whilst I acknowledge that the housing supply position in the District is dynamic, with another update due shortly, it is common ground that the Council cannot demonstrate a 5 year supply of deliverable housing sites. The latest Council assessment¹⁴ finds that there is currently only a 4 year supply of deliverable housing sites - a shortfall of some 450 dwellings.
42. Although I am mindful of the outline nature of the scheme, the proposed development could nevertheless make a considerable contribution toward the District’s housing supply. Moreover, as set out above, it would deliver economic, social and environmental benefits that carry considerable weight in the proposed development’s favour.
43. On the other hand, the proposed development would conflict with the above-cited policies of the development plan¹⁵, insofar as they seek to restrict residential development outside of settlement boundaries; however, I have found no conflict with those policies insofar as they seek to protect the character and appearance of the countryside. These policies, taken together with Policy T2 of the Local Plan insofar as it is relevant to highway safety, and with which I have found no conflict, are the most important for determining the application. I note the Council’s view that Policies CS2, CS3, CS8 and RD2 are restrictive of all forms of development, not just residential proposals. Nevertheless, as the restriction set out in those policies acts as a constraint on housing supply and there is a confirmed housing undersupply position in this case, they are clearly out of date for the purposes of the Framework. The ‘tilted balance’ is therefore engaged; and the weight I attach to the policy conflicts in this case does not significantly and demonstrably outweigh the proposed development’s considerable benefits. In such circumstances, the Framework indicates that development should be permitted.

¹³ At paragraph 11 and footnote 7

¹⁴ Assessment of Five Year Housing Land Supply – 1 April 2019 to 31 March 2024 updated Jan 2020

¹⁵ Namely Policies CS2, CS3 and CS8 of the Core Strategy and Policy RD2 of the Local Plan

44. Accordingly, in this instance, these considerations justify a decision other than in accordance with the development plan, with which, in terms of the restrictions on development outside of settlement boundaries set out in Policies CS2, CS3 and CS8 of the Core Strategy, and Policy RD2 of the Local Plan the appeal scheme would conflict. Consequently, these considerations lead me to the conclusion that the appeal should be allowed. As I have arrived at this view on the basis of the appeal scheme's individual merits, I consider that my decision would not set a general precedent for other proposals, which would also have to be assessed on their own merits.
45. I am cognisant of the Public Sector Equality Duty imposed by s149 of the Equality Act 2010, which amongst other things, requires me to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. However, for the reasons given above, and subject to careful design at the reserved matters stage, I have found no harm to the residential amenity of adjacent occupants in terms of outlook, the availability of daylight and sunlight, or noise. Consequently, I consider that my decision would not have a detrimental impact on persons who share a relevant protected characteristic and people who do not share it in terms of older persons who may occupy dwellings adjacent to the appeal site. On this basis too, I conclude that the proposed development would not interfere with the rights related to the protection of property enshrined by the European Convention on Human Rights and incorporated into UK law by the Human Rights Act 1998.

Conditions

46. According to the Framework planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the suggested conditions on this basis. Where I have imposed conditions, I have made amendments to their wording in some instances in the interests of clarity.
47. I have attached the standard conditions relating to the determination of reserved matters and implementation befitting the outline nature of the appeal scheme, and which specify the approved plans. As access is a relevant consideration at this stage, I have attached conditions relating to the approval and implementation of the proposed junction, its footways and the highways through the proposed development. Of necessity, to ensure that the proposed development makes appropriate arrangements in these regards, some of these conditions require pre-commencement compliance, and their imposition is therefore clearly justified. I have made amendments to the wording of some of the conditions in the interests of precision and enforceability, as discussed at the hearing, and amalgamated some of them to keep the number of conditions to a minimum.
48. A condition is imposed to secure the provision of and compliance with a construction traffic management plan in the interests of highway safety. As this condition relates to activity throughout the construction phase pre-commencement compliance with it is clearly justified.
49. In order to ensure that below ground services can be adequately accessed and maintained, conditions are attached which would require the location of these to be identified alongside other details, and to restrict developments otherwise

- permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) where service strips are located. The conditions also require the Council's approval in terms of any planting which may be present within those identified service strips. Such restrictions are clearly justified in this case to ensure that, where relevant, services could be accessed and maintained in an expedient fashion.
50. Conditions are attached requiring the production and monitoring of an up-to-date travel plan so that opportunities to promote walking, cycling and public transport use are pursued. I have made amendments to the suggested wording in the interests of clarity, precision and enforceability to ensure that the travel plan is submitted in a timely manner.
51. In order that the proposed development would make appropriate arrangements for drainage and not lead to increased flood risk elsewhere it is clearly justified to impose a pre-commencement condition requiring the submission of details of surface water drainage to be submitted to, and approved by, the Council. A condition is also imposed that would ensure that the approved scheme is implemented in a timely fashion.
52. The Phase 1(Desk Study Report)¹⁶ supplied by the appellant did not identify any "contaminants of concern" on the appeal site; nor did it recommend intrusive investigation for contamination. Accordingly, the imposition of a risk-based condition requiring cessation of construction activity should any unexpected contaminated material be found until a method statement detailing how this should be dealt with is submitted to and approved by the Council, is a proportionate and reasonable measure. Imposition of this condition is clearly necessary in the interests of the health and safety of site operatives, the occupants of adjacent dwellings, and the future occupiers of the proposed development; and to avoid the risk of contamination of property, ecological systems, and controlled waters.
53. In order that the proposed development would be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations, a condition is attached which would require the installation of the cabling to facilitate this. I have modified this in the interests of reasonableness to ensure that the proposed development would make appropriate provision for the range of vehicles available and in accordance with the discussions at the hearing.
54. To safeguard the living conditions of the occupants of adjacent properties during the construction phase of the development, it is clearly justified to impose a condition requiring the submission of a construction environmental management plan (CEMP) to the Council for its approval prior to the commencement of the development. For similar reasons, a condition relating to construction working hours is imposed.
55. In order that any impacts to biodiversity are minimised, and that net gains are provided in accordance with the Framework¹⁷, I have attached conditions which firstly, require the development to be carried out in line with the appellant's submitted Ecology and Protected Species Survey¹⁸; secondly, require the

¹⁶ Produced by Humberside Materials Laboratory Limited, Dated November 2018

¹⁷ At paragraph 170

¹⁸ Produced by Scarborough Nixon Associates Limited, Dated March 2018

submission of a biodiversity management plan to the Council for its approval; and thirdly, require the implementation and retention of any approved measures, alongside a report which demonstrates how the management plan has been complied with. I have made amendments to the suggested wording in the interests of precision and enforceability.

56. Conditions relating to boundary treatments and the facing materials of the proposed development are relevant to future reserved matters applications and it is not therefore necessary to attach them to this permission.
57. At the hearing, it was suggested that conditions related to the orientation of roofs and layout of the dwellings should be imposed to facilitate the incorporation of renewable energy technologies such as solar panels and ground source heat pumps. However, the layout of the scheme is reserved for future determination. It is not therefore necessary to attach such a condition to this outline permission.

Conclusion

58. For the reasons set out above, and taking fully into account all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR

Appearances

FOR THE APPELLANT

Caroline Chave
BA(Hons) DipTP MRTPI

Director, Chave Planning

Nathan Edwards
DipLA CMLI

Director, Urban Wilderness

FOR THE LOCAL PLANNING AUTHORITY

Andrew Law MSc

Acting Group Manager Development
Management

INTERESTED PERSONS

Cllr Richard Hannigan MSc

Deputy Leader of North
Lincolnshire Council and
Ward Councillor

Cllr Martin Birtle

Ulceby Road Safety
Group and Parish Councillor

Cllr David Wells

Ward Councillor

DOCUMENTS submitted after the Hearing

1. Policies CS9, CS27 of the Core Strategy; and Policy H10 of the Local Plan
2. *Provision of Open Space in New Housing Developments* Supplementary Planning Guidance
3. *Developer Contributions to Schools* Supplementary Planning Guidance
4. The North Lincolnshire Borough Council (Various Roads) (Restricted/De-restricted Roads and Speed Limits) (Consolidation) Order 2013 (Various Roads, Ulceby and Thornton Curtis) (Amendment No 14) Order 2019

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 248-P-01 REV A Application and Ownership Boundaries; 3430 Topographical Survey; ADC1817-DR-002 Rev P2 Access Junction Layout and Swept Path Analysis of Refuse Vehicle.
- 5) No development shall take place until the details of all within-highway works required to provide a footway link from the site to the existing footway to the west, including appropriate crossing facilities, have been submitted to and approved in writing by the local planning authority.
- 6) The within highway works comprised in the approved details pursuant to Condition (5) shall be completed prior to the occupation of the 10th dwelling on the site.
- 7) No development shall take place until details of an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the first residential use of its access and parking arrangements.
- 8) No dwelling served by private driveways and parking spaces shall be occupied until its driveway has been constructed in accordance with details to be submitted to and approved in writing by the local planning authority. These details shall include:
 - the proposed method of forming access from the highway including the required visibility splays;
 - the method of constructing/paving the driveway;
 - the provision of adequate drainage features;
 - the provision of suitable lighting arrangements;
 - the provision of suitable bin collection facilities;
 - where relevant the provision of street name plates that shall include the words "Private Drive";
 - the provision of measures to prevent the migration of any loose surfacing materials on to the adopted highway.

- 9) No development shall take place until details of
- (i) the location of the vehicular access;
 - (ii) the layout, drainage, construction, services and lighting of the proposed access road and footway, including the junction with the adjacent highway;
 - (ii) the number and location of vehicle parking spaces on the site; and
 - (iii) the location of any service strips
- have been submitted to and approved in writing by the local planning authority.
- 10) The development of the dwellings hereby permitted shall not commence until the access road's junction with the adjacent existing highway has been constructed in accordance with the approved details pursuant to Condition (9).
- 11) No dwelling shall be occupied until that part of the access road and footway which provide access to it shall have been constructed in accordance with the details pursuant to Condition (9). The access road as constructed shall be retained thereafter.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that order with or without modification), no development shall take place within any service strip identified in the details pursuant to Condition (9). Any planting or landscaping within identified service strips shall incorporate species the written details and timing of planting of which shall be agreed in writing with the local planning authority prior to planting. Any planting or landscaping in identified service strips shall be planted in accordance with the approved written details.
- 13) The final travel plan shall be submitted to and approved in writing by the local planning authority prior to first occupation of the development hereby approved. All conditions and requirements of the approved travel plan, once approved, shall be implemented prior to the first occupation of the dwellings hereby approved and retained thereafter.
- 14) The approved travel plan pursuant to Condition (13) shall be subject to monitoring on an annual basis for a period of three years from the date of its approval. The monitoring report on the impact of the travel plan shall be submitted to the local planning authority by the first of January each year following the approval of the travel plan. All amendments to the approved travel plan identified as a result of the monitoring process shall be implemented and retained.
- 15) No development shall take place until a Construction Phase Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall provide details of:
- i) All traffic movements associated with the construction phase, including delivery vehicles, staff/construction vehicles and any abnormal load movements;

- ii) The siting of contractor parking and welfare facilities;
- iii) The storage of materials; and
- iv) Traffic management requirements on the adjacent highway;

The approved Construction Phase Management Plan shall be implemented, reviewed and updated as necessary throughout the construction period for the development.

- 16) No development shall take place until a detailed surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, and take into account the submitted Flood Risk and Drainage Assessment, produced by Ramm Sanderson dated November 2018 (Reference: RSE_1756_01_V3).

The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered.

Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document.

Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions. Consideration must be given to the management of overland flows across the development in exceedance conditions.

- 17) The surface water drainage scheme shall be implemented in accordance with the approved submitted details required by Condition (16) above, completed prior to the occupation of any dwelling on site, and thereafter retained and maintained in accordance with the approved scheme for the life of the development unless otherwise agreed in writing with the local planning authority.
- 18) Any contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 19) Prior to first occupation of the dwellings hereby approved a scheme for the provision of the necessary cabling to support electrical vehicle charging shall be submitted to and approved in writing by the local planning authority.

The scheme shall be designed to take account of good practice guidance as set out in the Institute of Air Quality Management's *Land-Use Planning and Development Control: Planning for air quality*

and contemporary electrical standards including:

- Electrical Requirements of BS7671:2018
- IET Code of Practice on Electric Vehicle Charging Equipment installation 2018

or any subsequent updates to those documents issued prior to the production and implementation of the scheme.

No dwelling shall be occupied until that part of the cabling that provides electric charging facilities to it shall have been installed in accordance with the approved scheme.

- 20) No development shall take place, including any works of demolition, until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by the local planning authority. The CEMP shall provide the details of:

Noise and vibration

- (a) The works, and the method by which they are to be carried out;
- (b) The noise and vibration attenuation measures to be taken to minimise noise and vibration resulting from the works, including any noise limits; and
- (c) A scheme for monitoring the noise and vibration during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures;

Light

- (a) Specified locations for contractors' compounds and materials storage areas;
- (b) Areas where lighting will be required for health and safety purposes;
- (c) The location of potential temporary floodlights;
- (d) Sensitive receptors likely to be impacted upon by light nuisance;
- (e) Proposed methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors;

Dust

- (a) Site dust monitoring, recording and complaint investigation procedures;
- (b) Receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;
- (c) Provision of water to the site;
- (d) Dust mitigation techniques at all stages of development;
- (e) Prevention of dust trackout;

- (f) Communication with residents and other receptors;
- (g) A commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority;
- (h) A 'no burning of waste' policy;

The approved CEMP shall be adhered to throughout the construction period for the development.

- 21) Construction and site clearance works shall take place only between 0700hrs and 1900hrs Mondays to Fridays and 0700hrs and 1300hrs on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

HGV movements associated with the site clearance and construction phases of the development hereby approved shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site associated with the site clearance and construction phases of the development hereby approved shall not be permitted outside these hours without prior written approval from the local planning authority.

- 22) Development is to be carried out in accordance with the recommendations set out in the submitted Ecology and Protected Species Survey (Produced by Scarborough Nixon Associates Limited) (Dated March 2018).
- 23) Prior to commencement of the construction of the dwellings hereby approved, a biodiversity management plan shall be submitted to the local planning authority for its approval in writing. The plan shall include:
- (a) details of bat boxes and bat bricks to be installed on 15% of houses;
 - (b) details of swift boxes and sparrow terraces to be installed on 15% of houses combined;
 - (c) details of nesting sites to be installed to support a variety of other species, including house martin and garden birds;
 - (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
 - (e) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
 - (f) prescriptions for the retention, planting and aftercare of native trees, shrubs, hedgerows and wildflowers of high biodiversity value;
 - (g) details of wetland habitat to be created and managed as part of sustainable drainage;
 - (h) details for the sensitive management of retained ditches;
 - (i) appropriate phasing mechanisms to ensure that significant areas of habitat are created and are properly established before each phase of construction;

- (j) procedures for the monitoring and ongoing management of habitats on the site;
 - (k) measures to avoid light, noise and water pollution, fly-tipping and other factors that would harm habitats and species;
 - (l) prescriptions for the provision of a wildlife gardening leaflet for each new resident;
 - (m) proposed timings for the above works in relation to the completion of the dwellings.
- 24) The biodiversity management plan shall be carried out in accordance with the approved details pursuant to Condition (23), and the approved features shall be retained thereafter. Prior to occupation of the 50th dwelling hereby approved, a report shall have been submitted to the local planning authority for its approval in writing, providing evidence of compliance with the biodiversity management plan.

*****End of Conditions*****